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**ARTICLE I
TITLE, INTERPRETATION AND CONFLICT**

**CHAPTER 110
Title and Purpose**

110.1	Title.	110.3	Purpose.
110.2	Authorization.	110.4	Uniformity of regulations.

Sec. 110.1 TITLE.

This Resolution shall be known and may be cited to as the “Zoning Resolution of the Township of Montville, Medina County, Ohio”, except as referred to herein, where it shall be known as “this Resolution” or “this Zoning Resolution”.

Sec. 110.2 AUTHORIZATION.

The authority for establishing this Zoning Resolution is derived from ORC 519.01 through 519.99, inclusive.

Sec. 110.3 PURPOSE.

In the best interest and in order to promote the public health, safety, convenience, comfort, prosperity, or general welfare of the residents of the unincorporated area of Montville Township, Medina, County, Ohio and to ensure orderly growth and development in said Township, the Board of Township Trustees has found it necessary and advisable to adopt the Zoning Resolution in accordance with the Montville Township Comprehensive Plan/Development Plan to regulate the: location; height; bulk; number of stories and sizes of buildings and other structures, including tents; and the use of land for trade, industry, residence, recreation, reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory or other purposes and for such purposes to divide to divide the unincorporated Township into zoning districts of such number, shape, and areas as the Board of Township Trustees determines and to provide for the administration and enforcement of such regulations.

Sec. 110.4 UNIFORMITY OF REGULATIONS.

All such regulations shall be uniform for each class or kind of building or other structure or use through any district or zone, but the regulations may differ from those in other zoning districts, except as otherwise permitted for planned developments.

**CHAPTER 120
Interpretation**

120.1	Interpretation.	120.4	Compliance with building and subdivision regulations
120.2	Conflict.	120.5	Validity and separability.
120.3	Compliance with zoning regulations.	120.6	Repealer.
		120.7	Effective date.

Sec. 120.1 INTERPRETATION.

In their interpretation and application, the provisions of this Resolution and any amendments thereto, shall be held to be the minimum requirements unless otherwise clearly specified. In the best interest and in order to promote the public health, safety, convenience, comfort, prosperity, or general welfare of the residents of the unincorporated area of Montville Township, Medina, County, Ohio and to ensure orderly growth and development in said Township, the Board of Township Trustees has found it necessary and advisable to adopt the Zoning Resolution in accordance with the Montville Township Comprehensive Plan/Development Plan to regulate the: location; height; bulk; number of stories and sizes of buildings and other structures, including tents; and the use of land for trade, industry, residence, recreation, reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory or other purposes and for such purposes to divide to divide the unincorporated Township into zoning districts of such number, shape, and areas as the Board of Township Trustees determines and to provide for the administration and enforcement of such regulations.

Sec. 120.2 CONFLICT.

Whenever the regulations of this Resolution require a greater width or size of yards or other open spaces, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of population, a more restricted use of land, or impose other higher standards than are required in any other resolution or regulations, private deed restrictions or private covenants, these regulations shall govern unless otherwise regulated by state law.

Sec. 120.3 COMPLIANCE WITH ZONING REGULATIONS.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used in a manner which does not comply with the district provisions established by these regulations for the district in which the building or land is located.

Sec. 120.4 COMPLIANCE WITH BUILDING AND SUBDIVISION REGULATIONS.

All structures shall comply with the standards and requirements of the building regulations, adopted and administered by the Medina County Building Department, except for manufactured homes which according to ORC shall be exempt. All lots and structures where applicable shall comply with the Medina County Subdivision Regulations as adopted and administered by the Medina County Planning Commission and the Medina County Commissioners.

Sec. 120.5 VALIDITY AND SEPARABILITY.

If any section, subsection, or provision of this Resolution, or amendment thereto, is held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or amendments thereto.

Sec. 120.6 REPEALER.

The Zoning Resolution of Montville Township, Medina County, Ohio, adopted effective April 28, 1970 and as subsequently amended together with the Zoning Map, which is a part of the Zoning Resolution, is hereby amended in its entirety to read as set forth in this Zoning Resolution update, adopted effective June 22, 2006 and as subsequently amended. All existing resolutions of the Township, inconsistent herewith, are repealed.

Sec. 120.7 EFFECTIVE DATE.

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

**ARTICLE II
DEFINITIONS**

**CHAPTER 210
Definitions**

210.1 Interpretation of terms and words.

210.2 Definitions.

Sec. 210.1 INTERPRETATION OF TERMS AND WORDS.

For the purpose of this resolution, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense shall include the future tense, the plural number shall include the singular, and the singular number shall include the plural, unless specifically stated otherwise;
- B. The word “shall” is mandatory and not directory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement;
- C. The word “used” shall include the words “arranged”, “designed”, “constructed”, “altered”, “converted”, or “intended to be used”;
- D. The word “person” shall mean, in addition to an individual, a firm, corporation, association, organization, partnership, trust or any legal entity which may own and/or use land or buildings;
- E. The word “lot” shall include the words “plot” or “parcel”; and
- F. When the number of days is specified, days shall mean calendar days unless specifically stated otherwise.

Sec. 210.2 DEFINITIONS.

- A. Words used in this resolution are used in their ordinary English usage.
- B. For the purpose of this resolution the following terms, whenever used in this resolution, shall have the meaning herein indicated:

1. ACCESS DRIVE: A paved strip, which provides a vehicular connection between off-street parking spaces and a street.
2. ACCESSORY BUILDING: A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to that of the main building or use and which is constructed subsequent to construction of the principal building or establishment of the principal use of the land. (Revised 10/28/10)
3. ACCESSORY LIVING QUARTERS: Living quarters within a single-family dwelling unit with no separate exterior entrance or if detached, in a separate accessory building. Such quarters shall have no kitchen facilities. Accessory living quarters shall be considered an accessory use.
4. ACCESSORY USE: A use that is on the same lot as and serves a purpose customarily incidental and subordinate to the principal use and is established subsequent to the principal use. (Revised 10/28/10)
5. ACTIVITIES OF DAILY LIVING: Walking and moving, bathing, grooming, toileting, oral hygiene, hair care, dressing, eating, and nail care. (Effective 10/08/15)
6. ADULT DAY CARE FACILITY: A day care center that during any part of the normal business day provides supervised educational, recreational and social activities to elderly and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint. See also “Day Care Center”.
7. ADULT FAMILY HOME: A residence licensed according to Chapter 3722 of the Ohio Revised Code to provide accommodations to not more than 5 unrelated adults and which provides supervision and personal services to at least 3 of those adults, where the adults live as a single housekeeping unit and the residence serves as the adults’ sole, bona fide permanent residence, but which does not provide nursing care or include residents who require “skilled nursing care” or “intermediate nursing care” and shall not include “homes” and “rest homes” as defined in ORC Chapter 3721.
8. AGRICULTURE: As used in Section 519.02 to 519.25 of the Ohio Revised Code, “agriculture” includes farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal

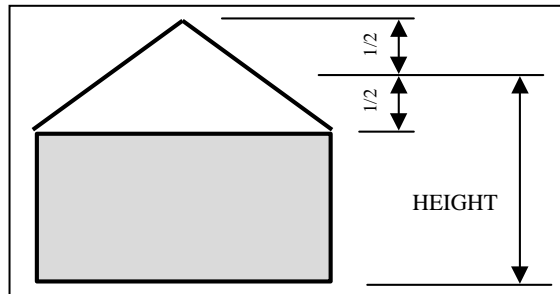
husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products, dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms, timber, pasturage, any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

9. **AGRICULTURAL PRODUCTION:** Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture; 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 agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provided that at least fifty per cent (50%) of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent (25%) of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code. (Effective 9/27/18)
10. **AGRITOURISM:** 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. (Effective 9/27/18)

11. **AGRITOURISM PROVIDER:** A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee. (Effective 9/27/18)
12. **AMBIENT DECIBEL LEVEL:** The sound pressure level at a given location, normally specified as a reference level to study a new intrusive sound source. (Effective 10/28/10)
13. **ARCHITECTURAL FEATURE:** Any construction attending to, but not an integral part of a sign, building or structure and which may consist of landscaping or building or structural forms complementing the site in general. (Effective 10/22/09)
14. **ASSEMBLY HALL:** A building or establishment where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings and may engage in providing catering and entertainment for a fee.
15. **ASSISTED LIVING FACILITY:** See “Congregate Care Facility” and “Residential Care Facility.” (Effective 10/08/15)
16. **ASSOCIATION:** A legal entity operating under recorded land agreements or contracts through which each unit owner in a development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization’s activities such as maintaining the restricted open space, private streets and other common areas, and providing services needed for the development. An association can take the form of a homeowners’ association, community association, condominium association or other similar entity.
17. **AUTOMOBILE DEALERSHIP:** Any business establishment that sells or leases new and used automobiles, light trucks [one (1) ton or less], vans, trailers, recreational vehicles, boats, or motorcycles as its primary use. An automobile dealership may maintain an inventory of the vehicles for sale or lease and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. (Effective 10/12/06)
18. **AUTOMOTIVE SERVICE STATION:** A building or portion of a building where the retail sales of lubricants and motor vehicle accessories, the routine maintenance and service of vehicles, and repairs to vehicles are conducted, but in which the painting of cars, body and fender work or other major repairs described under Vehicle Repair Garage shall not be permitted.

- 19. **BASEMENT:** A space having one-half (1/2) or more of its floor to ceiling height below grade and with a floor to ceiling height of at least 6 1/2 feet.
- 20. **BLOCK FRONT:** All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street or, if the street is dead ended, all the property abutting on one (1) side between an intersecting street and the dead end of a street.
- 21. **BOARD:** The Board of Zoning Appeals.
- 22. **BUFFER:** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen different land uses from each other.
- 23. **BUILDING:** Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel. See also “Structure”.
- 24. **BUILDING, ACCESSORY:** See “Accessory Building”.
- 25. **BUILDING FRONTAGE:** The building wall which faces the front lot line of a principal building or building wall that contains the main entrance to the uses therein. (Effective 10/22/09)
- 26. **BUILDING, HEIGHT OF:** The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge line of gable, hip or gambrel roofs.

Figure 1.
Illustration for Determining Building Height.



- 27. **BUILDING, HUMAN OCCUPIED:** A structure constructed for human-occupation such as a residence, school, hospital, church, public library or other building used for public gathering that is

- occupied or in use when a wind energy conversion system permit application is submitted. (Effective 10/28/10)
28. **BUILDING LINE:** An imaginary extension of the front building wall parallel to the street right-of-way line defining the limits of the front yard.
 29. **BUILDING PERMIT:** A permit issued by the Medina County Building Department before construction, substantial rehabilitation or internal modifications can legally take place.
 30. **BUILDING, PRINCIPAL:** A building on a lot used to accommodate a principal use to which the lot or parcel is devoted. (Revised 5/28/09)
 31. **BUILDING UNIT:** The portion of a building that is owned or leased by a single tenant in a multi-tenant building. (Effective 10/22/09)
 32. **CARPORT:** An accessory building that is not completely enclosed by walls or doors that serves as a covered automobile parking space. A carport shall be subject to all the provisions prescribed in these regulations for a private garage.
 33. **CAR WASH:** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a chain conveyor, blower, and steam cleaning and/or high pressure devices and/or which may employ hand labor for the washing and/or waxing of automobiles.
 34. **CENTRALIZED SEWER SYSTEM:** A system where individual lots are connected to a common sewerage system whether publicly or privately owned and operated.
 35. **CENTRALIZED WATER SYSTEM:** A system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.
 36. **CHILD DAY CARE:** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24 hour day in a place or residence other than a child's own home. See also "Day Care Center".
 37. **CHIMNEY:** A structure containing one or more flues for drawing off emissions from stationary sources of combustion. (Effective 10/28/10)

38. CLINIC, MEDICAL: A building used for the care, diagnosis, and treatment of sick, ailing, infirm or injured human patients by a group of physicians or dentists practicing medicine together, but which is not used to lodge patients overnight. Such clinics may include ambulatory or emergency care centers.
39. CLINIC, VETERINARY: A place where animals are given medical or surgical treatment and the boarding of animals occurs only as necessary for the purpose of medical treatment.
40. CLUSTER SINGLE-FAMILY: See Dwelling, Detached Cluster Single Family.
41. CO-LOCATION: The use of a wireless telecommunications facility by more than one wireless communications provider. (Effective 5/28/09)
42. COMMISSION. The Montville Township Zoning Commission.
43. COMMON AREA: Any land area, and associated facilities, within a development that is held in common ownership through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium.
44. COMMON DRIVE: A private way that provides vehicular access to at least two but not more than three dwelling units. (Effective 06/22/06)
45. COMMUNICATION DEVICE: Communication devices are defined as radio receivers/transmitters, television receivers/transmitters, microwave receivers/transmitters, and similar devices.
46. COMMUNICATION DEVICE ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any building.
47. COMPREHENSIVE PLAN/DEVELOPMENT PLAN: The long-range plan for the development of the Township as officially adopted and amended by the Zoning Commission and Township Trustees. (Effective 06/22/06)
48. CONDITIONAL ZONING CERTIFICATE: A permit issued by the Zoning Inspector upon approval by the Board of Zoning

Appeals to allow a conditional use to be established within the district on a specific parcel. See also “Use, Conditional”.

49. CONGREGATE CARE FACILITY: A nursing home or residential care facility licensed by the Ohio Department of Health to provide accommodations, supervision, personal care services, and/or skilled nursing care for individuals who are dependent on the services of others by reason of age or physical or mental impairment. A congregate care facility may include one or more of the following: 1) independent living with congregate dining facilities; 2) congregate living; 3) assisted living; 4) nursing care. See also “Nursing Home” and “Residential Care Facility.” (Revised 10/08/15)
50. CONSERVATION PRACTICES: Practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for agricultural purposes. Agriculture as defined in ORC 519.01 (Effective 9/27/18)
51. DAY CARE CENTER: Any place other than a family day care home in which day care is provided for either adults or children. See also “Adult Day Care Facility” and “Child Day Care”.
52. DENSITY: A unit of measure expressing the number of dwelling units permitted per acre of land.
53. DRIVE-THRU FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers while said customers remain in their motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include “Car Wash”, “Gasoline Station”, and “Automobile Service Station”.
54. DRIVEWAY, PRIVATE RESIDENCE: A path on a residential lot that extends from the street pavement for vehicular access to and from such street. See also Figure 6 at end of Chapter for driveway details.
55. DRY HYDRANT: A non-pressurized pipe system permanently installed in existing lakes, ponds and streams that provides a suction supply of water to a fire department tank truck.

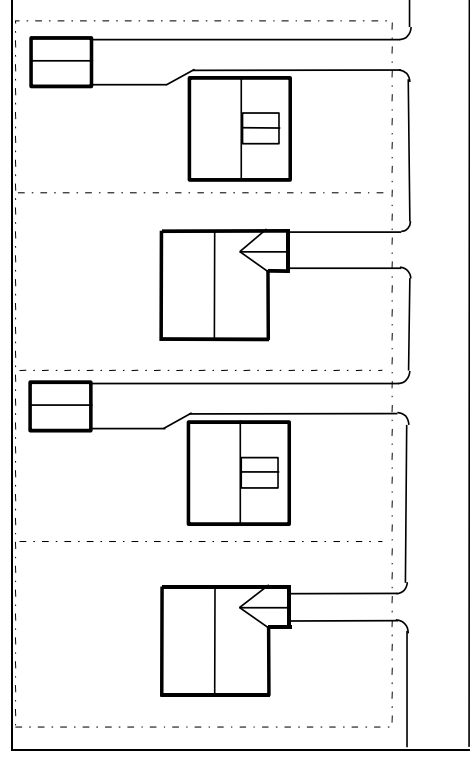
- 56. **DWELLING:** Any building or portion thereof, containing one or more dwelling units and which is designed or used primarily for residence purposes, including attached and detached single-family dwellings as defined herein. (Revised 9/10/09)

- 57. **DWELLING, ATTACHED SINGLE FAMILY:** A dwelling consisting of two (2) or more dwelling units located side by side, not one above another, having common or adjoining walls and designed so that every dwelling unit has a private outside entrance at ground level.

- 58. **DWELLING, DETACHED CLUSTER SINGLE FAMILY:** A dwelling consisting of a single dwelling unit only, which shall not have common walls with other such dwellings but is grouped with other dwelling units on a site in an arrangement. The dwelling shall comply with the spacing requirements set forth for such units in the applicable planned residential development or planned neighborhood development regulations. (Revised 9/10/09)

- 59. **DWELLING, DETACHED SINGLE FAMILY:** A dwelling consisting of a single dwelling unit designed for, and used exclusively for, residential purposes by one family situated upon an individual lot having a front, side, and rear yard. The single dwelling unit shall be separated from other dwelling units by open space from ground to sky. See also Figure 2. (Effective 9/27/18)

Figure 2, Detached Single-Family Dwellings

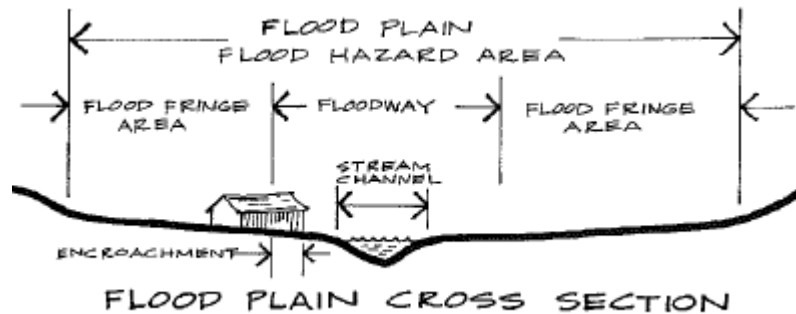


- 60. **DWELLING UNIT:** A group of rooms comprising living, dining, sleeping rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, for use by one (1) family.

61. EASEMENT: A grant by a property owner for the specific use of land by the general public, a corporation, or another person.
62. EPA OWHH PHASE I PROGRAM QUALIFIED MODEL: An Outdoor Wood Furnace that has been qualified under the EPA OWHH Phase I Program administered by the United States Environmental Protection Agency. The model has met the EPA OWHH Phase I emission level and has the proper qualifying label and hangtag. See also “Outdoor Wood-fired Hydronic Heater.” (Effective 10/28/10)
63. EPA OWHH PHASE II PROGRAM QUALIFIED MODEL: An Outdoor Wood Furnace that has been qualified under the EPA OWHH Phase II Program administered by the United States Environmental Protection Agency. The model has met the EPA OWHH Phase II emission level and has the proper qualifying label and hangtag. See also “Outdoor Wood-fired Hydronic Heater.” (Effective 10/28/10)
64. EXCAVATION: The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substances from the ground, including the clearing of trees.
65. ESSENTIAL SERVICES: Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, telephone, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of an adequate level of service for the area in which the service is located.
66. FAÇADE: The exterior walls of a building exposed to public view when outside of the building. (Effective 06/22/06; Revised 01/12/17)
67. FALL ZONE: The area or radius surrounding a wind energy conversion system or telecommunication structure that if it were to fall, would remain confined within the property or parcel where the turbine or telecommunication structure is located. (Effective 10/28/10)
68. FAMILY: One individual or any number of individuals living as a single housekeeping unit, but not including groups occupying a hotel or motel as herein defined.

69. FAMILY DAY CARE HOME, TYPE B: A permanent residence of the provider in which child day care or child day care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings, nor does it include any child day camp.
70. FAMILY HOME FOR HANDICAPPED PERSONS: A licensed residential facility that provides room and board, personal care, habilitative services, and supervision in a family setting for up to eight (8) handicapped persons. (See HANDICAPPED.) The term "family home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.
71. FARM: Land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production. (Effective 9/27/18)
72. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with overall responsibility for administering the National Flood Insurance Program. (Effective 5/28/09)
73. FENCE: Any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises.
74. FLEET VEHICLES: Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

- 75. **FLOODPLAIN, ONE HUNDRED YEAR:** Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a 1 percent (1%) or greater chance of being equaled or exceeded in any given year. The one hundred (100) year floodplain shall be identified by the Federal Emergency Management Agency maps of Montville Township. (Effective 5/28/09)
- 76. **FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas within the floodplain that have been reserved in order to pass the 100-year flood discharge. A floodway is typically determined through hydraulic and hydrologic engineering analysis such that the cumulative increase in the flood elevation is no more than a designed height. (Effective August 9, 2007)



- 77. **FLOOR AREA, DWELLING UNIT:** The sum of the gross horizontal area of a dwelling unit measured from the exterior faces of exterior walls of the dwelling unit or from the center line of common walls separating two dwelling units. It shall not include basements, attached garages, attics, terraces, breezeways, open porches, and covered steps.
- 78. **FLOOR AREA, GROSS:** The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two (2) or more units of a building. (Revised 06/21/07)
- 79. **FLOOR AREA, NET:** The total of all gross floor area excluding: all floors below the first or ground floor; interior vehicular parking or loading; elevator and stair bulkheads; equipment rooms; attic space; terraces; breezeways; open porches; uncovered steps; and other areas not intended to be used by the public. However, if the basement is used for business or commercial purposes, human habitation and/or service to the

public, it shall be counted as gross floor area only in computing off-street parking requirements. (Effective 06/21/07)

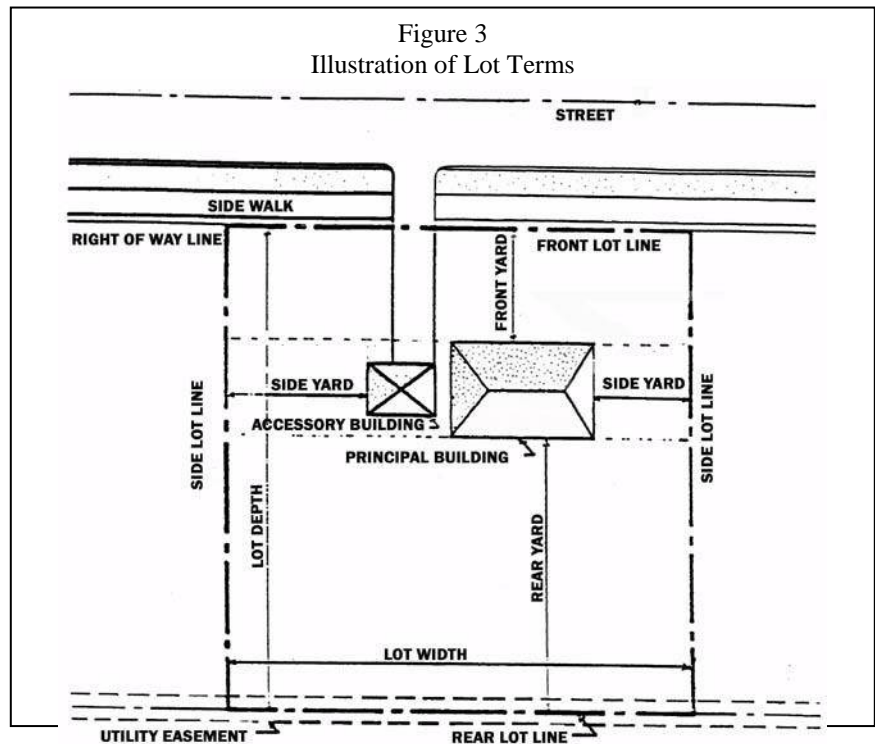
- 80. FRONTAGE: See Lot Frontage.
- 81. FUNERAL HOME: A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial including the performance of autopsies and other surgical procedures; (b) the storage of caskets, funeral urns, and other related funeral supplies; and (c) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted. (Revised 5/28/09)
- 82. GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.
- 83. GASOLINE STATION: An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include facilities available for the sale of other retail products.
- 84. GOLF COURSE, MINIATURE: A novelty version of golf played with a golf ball and putter on a miniature course usually having tunnels, bridges, sharp corners, and obstacles. (Effective 1/13/11)
- 85. GOLF COURSE, PRIVATE: A golf course open only to golfers willing to pay a membership fee to join the club. At most private golf courses, nonmembers are allowed to play golf as guests of a member. (Effective 1/13/11)
- 86. GOLF COURSE, PUBLIC: A golf course open to the general public. Everyone is welcome to play golf at a public golf course. (Effective 1/13/11)
- 87. GOLF COURSE, SEMI-PRIVATE: A golf course that both sells memberships and allows non-members to play. (Effective 1/13/11)

88. **GRADE, FINISHED:** The average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement.
89. **GRADE, NATURAL:** The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.
90. **GROSS AREA:** Land area, measured on the horizontal plane and including land occupied by all natural and manmade features of the landscape.
91. **GROUP HOME FOR HANDICAPPED PERSONS:** A licensed residential facility that provides room and board, personal care, habilitative services, and supervision in a family setting for at least nine (9) handicapped persons. (See HANDICAPPED.) The term "group home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.
92. **HANDICAPPED:** A physical or mental impairment, as defined in 42 U.S.C. 3602 (h), that substantially limits one or more of such person's major life activities. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.
93. **HARDWARE:** Manufactured articles such as locks, fittings, cutlery, tools, utensils or parts of machines that are made of metal, but excluding firearms and heavy military equipment.
94. **HAZARDOUS SUBSTANCES:** Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming in contact with such material or substance.
95. **HOME FOR HANDICAPPED PERSONS, FAMILY:** See Family Home for Handicapped Persons.
96. **HOME FOR HANDICAPPED PERSONS, GROUP:** See Group Home for Handicapped Persons.

97. HOME OCCUPATION: Any use or profession conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
98. HOSPITAL: An establishment that provides, through a medical staff, permanent facilities that include in-patient beds, medical services, and continuous nursing services, diagnosis and treatment, both surgical and non-surgical, for human patients who have any of a variety of acute medical conditions.
99. HOTEL/MOTEL: A commercial building in which lodging is provided and offered to the public for compensation on a daily rate.
100. IMPERVIOUS COVER: Any paved, hardened or structural surface regardless of its composition including, but not limited to, buildings, roads, driveways, parking lots, loading/unloading spaces, decks, patios, and swimming pools. (Effective 5/28/09)
101. INDOOR COMMERCIAL RECREATION: An indoor facility for any number of uses such as game courts, exercise equipment, exercise and/or dance floor area, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.
102. INOPERABLE MOTOR VEHICLE: Any motor propelled vehicle or accessory to same, which is, or is in the process of being, wrecked, or dismantled such that the engine, wheels, or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.
103. INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.
104. INTERMITTENT STREAM: A natural channel that may have some water in pools but where surface flows are non-existent or interstitial (flowing through sand and gravel in stream beds) for periods of one week or more during typical summer months.
105. JUNK: Bones, litter and manufactured goods including, but not limited to used iron, used tin, used glass, used brass, used copper, used lead or used zinc and all other used metals and their alloys, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old and used machinery, used tools, used appliances, used fixtures, used utensils, used building materials, used boxes or

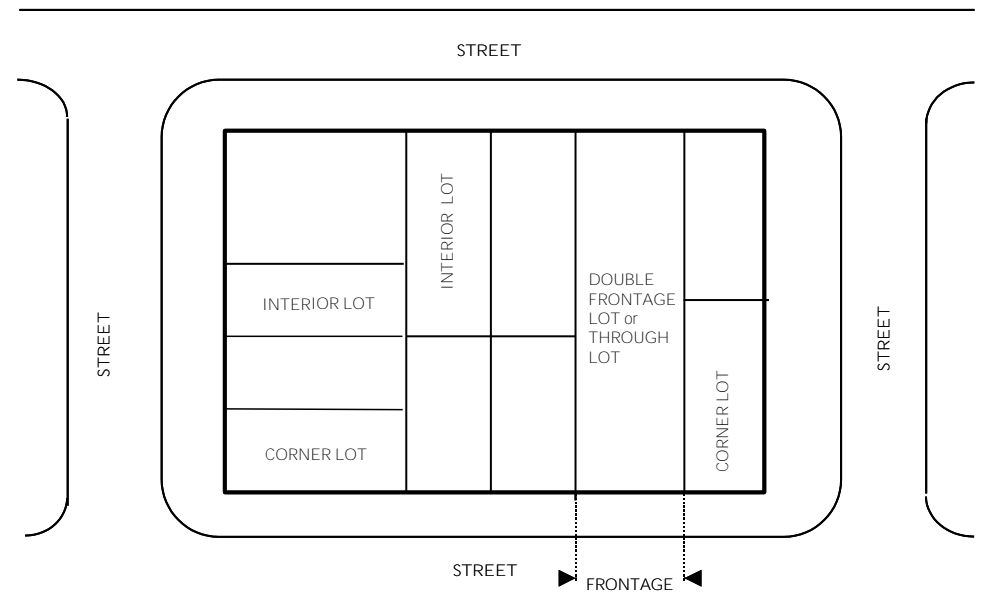
- crates, used pipe or pipe fittings, discarded motor vehicles in whole or in parts and used tires that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled or recycled. (Effective 9/27/18)
106. JUNKYARD: Any lot, land parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. (Revised 9/27/18)
107. LAND DEVELOPMENT ACTIVITY: Any change to the surface area of a lot including, but not limited to, clearing, grubbing, stripping, removing vegetation, dredging, grading, excavating, cutting and filling, constructing buildings or structures, paving, and any other installation of impervious cover. (Effective 5/28/09)
108. LANDSCAPED AREA: An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material, and may include non-living durable materials such as rocks, decorative walls and fences, but shall exclude paving.
109. LATTICE TOWER: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which tapers from the foundation to the top. (Effective 5/28/09)
110. LIBRARY: A facility operated by a governmental or non-profit entity open to the general public in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints, records, compact discs, videos, films, Internet access, and tapes, are made available for use, reading, review, and lending, but not for general sale.
111. LOADING SPACE: 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.
112. LOT: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. (Effective 06/22/06)
113. LOT AREA: The computed horizontal area contained within the lot lines, exclusive of any portion of the right-of-way of any public street.

- 114. **LOT, DE MINIMIS:** A lot that contains the entire building foundation of a single-family detached cluster dwelling, which may contain nominal additional land surrounding said building foundation, and which is established and used in conjunction with surrounding areas of common open space.
- 115. **LOT FRONTAGE:** That portion of a lot extending along the street right-of-way.
- 116. **LOT LINES:** The property lines defining the limits of a lot. See also Figure 3.
 - a) **LOT LINE, FRONT:** The lot line separating a lot from the street right-of-way on which the lot fronts.
 - b) **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. On corner lots, the rear lot line shall be considered as parallel to the street upon which the lot has its least dimension.
 - c) **LOT LINE, SIDE:** Any lot line other than a front or rear lot line.



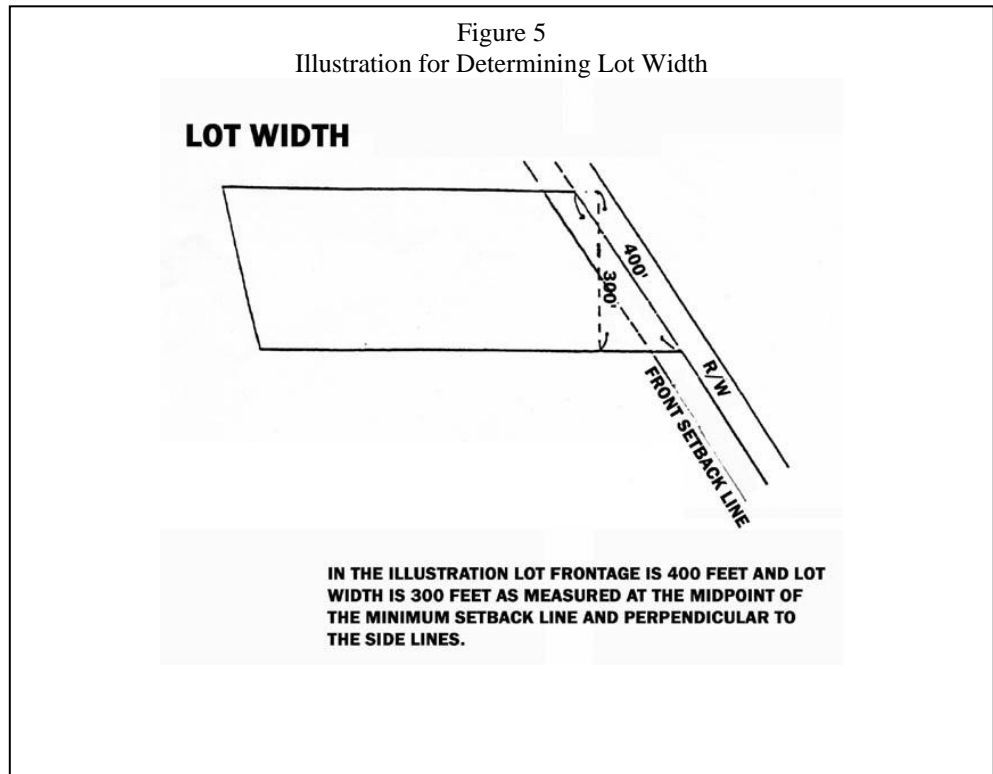
- 117. **LOT OF RECORD:** A lot which has been recorded in the office of the Recorder of Medina County.
- 118. **LOT SPLIT:** See “Subdivision, Minor” (Effective 12/24/09)
- 119. **LOT TYPES:** Terminology used in this resolution with reference to corner lots, interior lots, double frontage lots and through lots is as follows. See also Figure 4 for an illustration of lot types.
 - a) **LOT, CORNER:** A lot at the junction of and abutting upon two (2) intersecting streets.

Figure 4.
Illustration of Lot Types.



- b) **LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- c) **LOT, INTERIOR:** A lot other than a corner lot with frontage on only one (1) street.

120. **LOT WIDTH:** The horizontal distance between the side lot lines measured at the front setback line and perpendicular to or as nearly perpendicular to the side lot lines as possible. See also Figure 5.



121. **MANUFACTURED HOME:** A dwelling unit fabricated at an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et. seq.).
122. **MINIMUM SETBACK LINE.** See Setback Line.
123. **MODEL HOME:** A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.
124. **MONOPOLE:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation. (Effective 5/28/09)
125. **MOTEL:** See Hotel.

126. **NONCONFORMITY:** A lot, use of land, building, use of buildings, 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) **NONCONFORMING BUILDING OR STRUCTURE:** A building or structure 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) **NONCONFORMING 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) **NONCONFORMING 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) **NONCONFORMING 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.
127. **NURSING HOME:** A facility licensed by the Ohio Department of Health used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. See also “Congregate Care Facility.” (Effective 10/08/15)
128. **OHIO ENVIRONMENTAL PROTECTION AGENCY:** The State government agency referred to herein as the Ohio EPA. (Effective 5/28/09)
129. **OPEN SPACE:** The portion of a lot not covered by a building or parking and/or loading area and which is open to the sky. It may include walkways, landscaping, fences, recreation areas and objects not defined under buildings or structures

130. **OPEN SPACE, USEABLE:** Open space used for active or passive recreation. Useable open space may include common buildings such as shelters, pavilions, or recreational structures that are centrally located and accessible to the occupants of the building or buildings. (Effective 10/12/06)
131. **ORDINARY HIGH WATER MARK:** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction, or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics. The ordinary high water mark defines the bed of a watercourse. (Revised 5/28/09)
132. **OUTDOOR COMMERCIAL RECREATION:** A facility for recreational uses that are conducted primarily outdoors as opposed to an indoor recreation facility.
133. **OUTDOOR DISPLAY:** The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.
134. **OUTDOOR STORAGE:** The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, which does not otherwise meet the definition of outdoor display.
135. **OUTDOOR WOOD BOILER:** See “OUTDOOR WOOD-FIRED HYDRONIC HEATER.” (Effective 10/28/10)
136. **OUTDOOR WOOD FURNACE:** See “OUTDOOR WOOD-FIRED HYDRONIC HEATER.” (Effective 10/28/10)
137. **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 10/28/10)

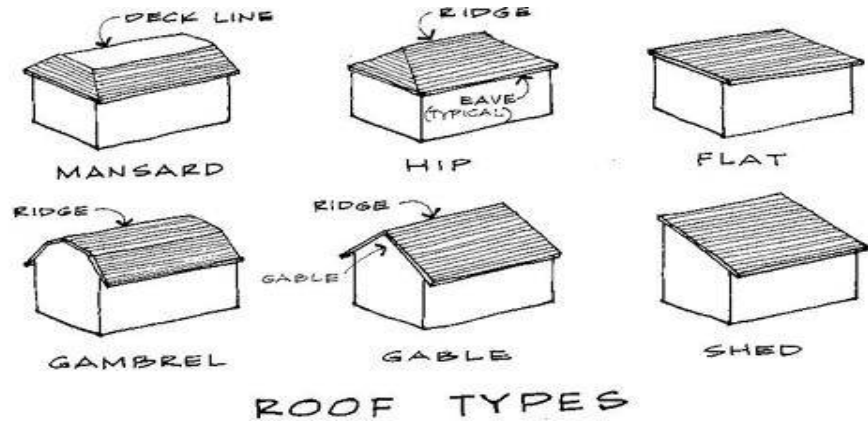
138. **OUTDOOR WOOD-FIRED HYDRONIC HEATER, EXISTING:** An Outdoor Wood-fired Hydronic Heater that was purchased and installed prior to the effective date of Section 410.8 M. (Effective 10/28/10)
139. **OUTDOOR WOOD-FIRED HYDRONIC HEATER, NEW:** An Outdoor Wood-fired Hydronic Heater that is first installed, established or constructed after the effective date of Section 410.8 M. (Effective 10/28/10)
140. **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 10/28/10)
141. **PARKING LOT:** An outdoor paved area made up of marked parking spaces where motor vehicles may be stored for the purposes of temporary off-street parking. Also known as a parking area.
142. **PARKING SPACE:** An off-street space defined by painted lines, raised curbs or otherwise designated, which is used for the temporary parking of a motor vehicle that may be stored for a period longer than that required to load or unload persons or goods.
143. **PERENNIAL STREAM:** A natural channel that contains water throughout the year, except possibly during periods of extreme drought.
144. **PERIMETER DIKE:** A ridge of compacted soil located along the perimeter of a site and around any storage tanks or pits.
145. **PERFORMANCE STANDARD:** A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.
146. **PERSONAL CARE SERVICES:** Services provided by a licensed nursing home or residential care facility including, but not limited to, the following: 1) Assisting residents with activities of daily living; 2) Assisting residents with self-administration of medication; and/or 3) Preparing food for special diets. (Effective 10/08/15)

147. PLACE OF WORSHIP: A building, structure, or other indoor or outdoor facility used for public worship. The word "place of worship" includes the words "church," "chapel," "synagogue," "mosque," (Effective 06/22/06) and "temple" and their uses and activities that are customarily related.
148. PLAN, DEVELOPMENT: Drawing(s) and map(s) illustrating the proposed design, layout, and other features for the development of one or more lots.
149. PLAN, PRELIMINARY DEVELOPMENT: Proposed drawings and maps including all of the required elements set forth in this Zoning Resolution. (Effective 06/22/06)
150. PLAN, FINAL DEVELOPMENT: Final drawings and maps including all of the required elements set forth in this Zoning Resolution. (Effective 06/22/06)
151. PLANNED NEIGHBORHOOD DEVELOPMENT: A planned, integrated residential development approved by the Township Trustees as set forth in this Zoning Resolution. (Effective 06/22/06)
152. PLANNED RESIDENTIAL DEVELOPMENT: A planned, integrated residential development where minimum lot size and dwelling type may be modified somewhat to achieve particular design objectives and the economical provision of open space and utilities while maintaining the same over-all density limitations of the district in which the planned residential development is located and complying with other pertinent requirements of this Resolution and site design requirements of the Zoning Commission in accordance with Chapter 414. (Effective 06/22/06)
153. PLAT: A map of a lot, tract or subdivision on which the lines of each element are shown by accurate distances and bearings.
154. POND, IN-LINE: A permanent pool of water created by impounding a designated watercourse. (Effective 5/28/09)
155. PROJECT BOUNDARY: The boundary defining the tract(s) of land that is included in a proposed development to meet the minimum required project area for a planned neighborhood development, planned commercial development, or planned residential development. The term "project boundary" shall also mean "development boundary." (Revised 9/10/09)

156. PUBLIC LANDS: Parks, playgrounds, trails, paths and other recreational areas and open spaces; scenic and historic sites, schools and other buildings and structures; and other places that are owned by a public entity such as the federal, state or local government, and where the public is directly or indirectly invited to visit or permitted to congregate.
157. PUBLIC SAFETY FACILITY: A governmentally owned and operated facility established to provide police or fire safety services to the surrounding area.
158. PUBLIC SERVICE/MAINTENANCE FACILITY: A governmentally owned and operated facility that provides for the upkeep and maintenance of the community such as but not limited to a service garage, maintenance building, and salt dome.
159. PUBLIC UTILITY: Any person, firm, corporation, governmental agency or board that furnishes to the public, electricity, gas, steam, telephone, cable television, telegraphy, transportation, water or any other similar public utility according to the criteria established by Ohio case law.
160. RESEARCH OR TESTING LABORATORIES: A building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
161. RESIDENTIAL CARE FACILITY (ASSISTED LIVING): A facility licensed by the Ohio Department of Health that provides either of the following: 1) Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; 2) Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one of those individuals, any of the skilled nursing care as authorized by the ORC. A residential care facility may include one or more of the following: 1) independent living with congregate dining facilities; 2) congregate living; 3) assisted living or 4) nursing care. See also "Congregate Care Facility." (Effective October 8, 2015)

162. RESTAURANT - COUNTER SERVICE: A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.
163. RESTAURANT - TABLE-SERVICE: A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.
164. RESTRICTED OPEN SPACE: The portion of the open space within a planned neighborhood or planned residential development that is of sufficient size and shape to meet the minimum zoning requirements, and on which further development is restricted according to the provisions of Sec. 412.5 or 414.7, depending on the type of development proposed. (Revised 9/10/09)
165. RETAIL ESTABLISHMENT: An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public.
166. RIGHT-OF-WAY: A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
167. RIGHT-OF-WAY LINE: The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line." Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the demarcation line indicating land reserved for street purposes. Where the right-of-way line is not established the width of the right-of-way shall be assumed to be 60 feet.

168. **RIPARIAN AREA:** Naturally vegetated land adjacent to designated watercourses which, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood flows and/or filter and settle out runoff pollutants or which perform other functions consistent with the purposes of this Zoning Resolution. (Revised 5/28/09)
169. **RIPARIAN SETBACK:** The real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations. (Revised 5/28/09)
170. **ROADSIDE STANDS:** 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 agriculture products produced on the premises.
171. **ROOF:** The outside top covering of a building. (Effective 06/22/06)
172. **ROOF, FLAT:** A roof that is not pitched and the surface of which is generally parallel to the ground (see illustration). (Effective 06/22/06)
173. **ROOF, GABLE:** A ridged roof forming a gable at both ends of the building (see illustration). (Effective 06/22/06)
174. **ROOF, GAMBREL:** A gabled roof with two slopes on each side, the lower steeper than the upper (see illustration). (Effective 06/22/06)
175. **ROOF, HIP:** A roof with sloping ends and sides (see illustration). (Effective 06/22/06)
176. **ROOF, MANSARD:** A roof with two slopes on each of four sides, the lower steeper than the upper (see illustration). (Effective 06/22/06)
177. **ROOF, SHED:** A roof with one slope (see illustration). (Effective 06/22/06)



- 178. **SALVAGE:** The utilization of waste materials through the process of converting solid waste into salable products. (Effective 9/27/18)
- 179. **SALVAGE YARD:** A facility or area for storing, selling, dismantling, shredding, compressing, or salvaging used, discarded material, or equipment. See Junk; Junkyard. (Effective 9/27/18)
- 180. **SCHOOL FACILITIES:** Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code; or publicly or privately owned facilities providing kindergarten or nursery school training and care which are operated by a board of education or an established religious organization.
- 181. **SELF-SERVICE STORAGE FACILITY:** A self-service facility comprised of individual storage units that are available for rent and/or individual ownership, and restricted to personal private access.
- 182. **SEMI-PUBLIC USE:** A non-profit entity including a church or other place of worship, institution for higher education, institutional meeting facility, public safety facility, public or private school, library, hospital, community center, and not-for-profit recreational facility.
- 183. **SETBACK:** The required minimum horizontal distance between a lot line and a structure as established by this Resolution. Where a major thoroughfare or collector street is designated on the Land Use and Thoroughfare Plan, the front setback shall be measured from the proposed right-of-way line.

184. **SETBACK LINE** (See also “Yard, Required”): A line established by this Zoning Resolution generally parallel with and measured from a lot line, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from said lot line, except as may be provided in this Zoning Resolution. The term "setback line" shall also include "required setback line" and “minimum setback line”.
185. **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 10/28/10)
186. **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 10/28/10)
187. **SHOPPING CENTER**: A group of commercial establishments; planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetics considerations and protection from the elements and landscaping and signage in accordance with an approved plan. (Effective 06/22/06)
188. **SHORT TERM EVENTS**: As related to wind energy conversion systems, less than 48 hours for a period of increased rate of wind, and less than seven (7) days for power outages. (Effective 10/28/10)
189. **SIGN**: Any identification, description, illustration, object or device which is affixed to or integrated into a building or structure or land, or otherwise situated on a lot and which is intended to announce, direct or advertise by any means including letters, words, figures, designs, colors, symbols, fixtures, or images.
190. **SIGN, ADDRESS**: A sign indicating the address of a property to easily allow identification by safety services.
191. **SIGN, AWNING OR CANOPY SIGN**: Any sign that is painted on, part of or attached to an awning, canopy, or other fabric, plastic, or structural protection cover over a door, entrance, window, or outdoor service area.
192. **SIGN, BILLBOARD**: A sign that is supported from the ground or a structure other than a building that directs attention to a business, commodity, service or entertainment conducted, sold, or

- offered at a location other than the premises on which the sign is located. (Revised 5/28/09)
193. SIGN, CANOPY: SEE “SIGN, AWNING” (Effective 5/28/09)
194. SIGN, CHANGEABLE COPY: A ground sign or interstate pole sign such as a bulletin board or announcement board, where the messages or graphics are not permanently affixed to the structure, framing, or background and may be periodically replaced or covered over manually or by electronic or mechanical devices.
195. SIGN, DIRECTIONAL: A permanent sign located on private property, at or near the public right-of-way, directing or guiding vehicles from the street onto private property.
196. SIGN, FLAG: Shall mean any sign of cloth or similar material, anchored along one side, displayed from a single pole, either freestanding or attached to a building.
197. SIGN, FLASHING: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means.
198. SIGN, GROUND: A sign that is placed upon, mounted in, or supported from the ground or a structure other than a building. (Revised 5/28/09)
199. SIGN, ILLUMINATED: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
200. SIGN, INTERSTATE POLE: A sign mounted on a pole or other similar support that is placed upon, mounted in, or supported from the ground and located within 660 feet of the Interstate 71 right-of-way. (Revised 5/28/09)
201. SIGN, NONCONFORMING: Shall mean any sign existing on or after the effective date of Montville Township Sign Regulations Chapter 510.2 which does not conform to said Regulations in its entirety.
202. SIGN, PROJECTING: A sign attached to a building or wall and which extends beyond the line of said building or wall in such a manner that the exposed face or faces of the sign are generally perpendicular to or at an angle to the plane of the wall of the building or structure to which said sign is attached, with its

leading edge extending not more than 18 inches beyond the surface of such building or wall. (Revised 5/28/09)

- 203. SIGN, PUBLIC PURPOSE/SAFETY: A sign authorized by law erected by a public authority, utility, public service organization, or private industry upon the public right-of-way or on private property and which is intended to control traffic; direct, identify or inform the public; or provide needed public service.
- 204. SIGN, ROOF: Any sign painted on, attached to, or maintained upon or over the roof or parapet wall of any building, and having its principal support on the roof or walls of the building.
- 205. SIGN, TEMPORARY: Shall mean any sign, banner, flag, pennant, or other display of cloth, canvas, wallboard, board, plastic or other such material, designed to be displayed for a limited period of time.
- 206. SIGN, V: A ground sign containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape. (Effective 5/28/09)
- 207. SIGN, WALL: A sign painted on, attached to, or erected against the outside wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall, extending not more than 12 inches there from and which does not project above the roofline or beyond the corner of the building. (Revised 5/28/09)
- 208. SIGN, WINDOW: A sign that is applied or attached to a window or located inside a building within three (3) feet of a window so that the sign is visible and capable of being read from the outside of the building.
- 209. SKILLED NURSING CARE: Procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. (Effective 10/08/15)
- 210. SOIL AND WATER CONSERVATION DISTRICT (SWCD): The Medina County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees. (Effective 5/28/09)
- 211. SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth’s surface where natural or

- human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution. (Effective 5/28/09)
212. **SOLID WASTE:** Unwanted or discarded material, including waste material with insufficient liquid content to be free-flowing. (Effective 9/27/18)
213. **SOUND PRESSURE LEVEL:** A logarithmic measure, measured in decibels (dB), of the effective sound pressure of a sound relative to a reference value. (Effective 10/28/10)
214. **SPEC. HOME:** A building or structure existing or proposed to be constructed for the purpose of being offered for immediate sale to the public, in contrast to a model home that is not offered sale immediately upon completion of construction.
215. **STABLE, PRIVATE:** A shelter for animals owned by the occupants of the dwelling to which it is an accessory use.
216. **STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
217. **STREAM:** A body of water running or flowing on the earth's surface or a channel in which such flow occurs. Flow may be seasonally intermittent.
218. **STREAM BANK STABILIZATION:** Soil disturbing activities undertaken to control erosion along the banks of designated watercourses. Stream bank stabilization shall also include stream restoration that is defined as the process of converting an unstable, altered, or degraded stream corridor, including adjacent riparian area and flood prone areas, to its natural or referenced stable conditions, considering recent and future watershed conditions. Stream restoration also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium. (Effective 5/28/09)
219. **STREET:** A way for vehicular traffic, publicly or privately owned, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, court, lane, alley, trail, terrace, boulevard or otherwise.

- a) ALLEY: A public thoroughfare that affords only a secondary means of access to a lot or abutting property.
 - b) STREET, ARTERIAL: A street primarily for through traffic usually on a continuous route between areas, across the county, and to and from expressways.
 - c) STREET, COLLECTOR: A street that primarily carries traffic from local to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
 - d) STREET, INTERIOR: A street wholly within the boundaries of a development.
 - e) STREET, LOCAL: A street primarily for providing access to residential or other abutting property.
 - f) STREET, PRIVATE: An easement which provides vehicular access to residential or commercial structures or groups of structures and which will not be dedicated for public use.
 - g) STREET, PUBLIC: A public thoroughfare which has been dedicated to the public for public use or subject to public easements thereof, and which affords the principal means of access to abutting property.
 - h) THOROUGHFARE. A street or alley.
220. STREET RIGHT-OF-WAY LINE: See “Right-of-Way Line”.
221. STRUCTURE: Anything constructed or erected, the use of which requires permanent or temporary location on the ground or an addition to something having a permanent or temporary location on the ground, including, but not limited to buildings, signs, billboards, pergolas, roadside stands, fences, walls used as fences, decks, pools, accessory buildings, or off-street parking facilities. (Revised 01/12/17)
222. STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.
223. STRUCTURE, HUMAN OCCUPIED: See Building, Human Occupied. (Effective 10/28/10)
224. SUBDIVISION, MAJOR: All subdivisions not classified as minor subdivisions, including but not limited to: subdivisions of

- more than five lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements. (Effective 12/24/09)
225. SUBDIVISION, MINOR: A division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.001, Ohio Revised Code. Also known as a “lot split.” (Effective 12/24/09)
226. SWIMMING POOL/SPA: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land; or an above-ground pool, having a depth of more than twenty-four (24) inches; designed, used, and maintained for swimming and bathing. (Effective 9/27/18)
- a) SWIMMING POOL/SPA, PRIVATE: A swimming pool or spa located on a lot as an accessory use to a dwelling maintained and used solely by the owner or lessee thereof and his/her family and guests, without charge for admission and not operated for profit.
- b) SWIMMING POOL, CLUB: A pool operated by a private club incorporated as a nonprofit organization to maintain and operate a swimming pool for the exclusive use of members generally limited to a geographic area.
- c) SWIMMING POOL, COMMERCIAL: A pool operated for profit and open to the public upon payment of a fee.
227. TCF: Wireless telecommunications tower, antenna and/or facility. (Effective 5/28/09)
228. TELECOMMUNICATIONS: The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems and includes the term “Personal Wireless Service.” (Effective 5/28/09)
229. TEMPORARY BUILDING OR STRUCTURE: A structure intended for a limited duration in which the construction or erection of such building or structure requires no permanent foundation.
230. TRAILER OR MOBILE HOME: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or

occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor powers.

- 231. TREES, DAMAGED OR DISEASED: Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or structure. (Effective 5/28/09)
- 232. TRUSTEES: The Board of Trustees of Montville Township.
- 233. UPLANDS: Lands consisting of material unworked by water in recent geologic time and lying, in general, at a higher elevation than the alluvial plain or stream terrace. Land above the lowlands along rivers.
- 234. USE: The purpose for which a building or land is arranged, designed, intended, maintained or occupied. In the classification of uses, a “use” may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on, in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.
 - a) USE, ACCESSORY: See “Accessory Use”.
 - b) USE, CONDITIONAL: A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 450, and which requires a conditional zoning certificate and approval of the Board of Zoning Appeals in compliance with the regulations and procedures set forth in Chapter 730. See also “Conditional Zoning Certificate”.
 - c) USE, PERMITTED: A use that is authorized by the Montville Township Zoning Resolution as either a use permitted by right, a conditional use or an accessory use.
 - d) USE PERMITTED BY RIGHT: A permitted use that is approved administratively when it complies with the standards

and requirements set forth in the Zoning Resolution, the approval of which does not require a public hearing.

e) USE, PRINCIPAL: The primary or main use or activity of a building or lot.

235. VEHICLE REPAIR GARAGE: A building or any portion of a building in which repairs are made to motor vehicles including structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service; spray painting; body fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling or engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; complete recapping or retreading of tires; or similar activities. See also “Automotive Service Station”.

236. WAITING SPACE: An unenclosed area outside the public right-of-way that accommodates customers in vehicles being served or waiting to be served at a drive-thru facility, car wash, gasoline station, or other similar use. Also known as a stacking space.

237. WALKWAY: A public way for pedestrian use only, which may or may not be located along the side of a road.

238. WASTE WATER TREATMENT PLANT (WWTP): A facility at the end of a sanitary collection system that processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA. (Effective 5/28/09)

239. WATERCOURSE: Any brook, channel, creek, river, or stream having banks, a defined bed, and definite direction of either continuous or intermittent flow. (Effective 5/28/09)

240. WATERCOURSE, DESIGNATED: A watercourse within Montville Township that is in conformity with the criteria set forth in these regulations. (Effective 5/28/09)

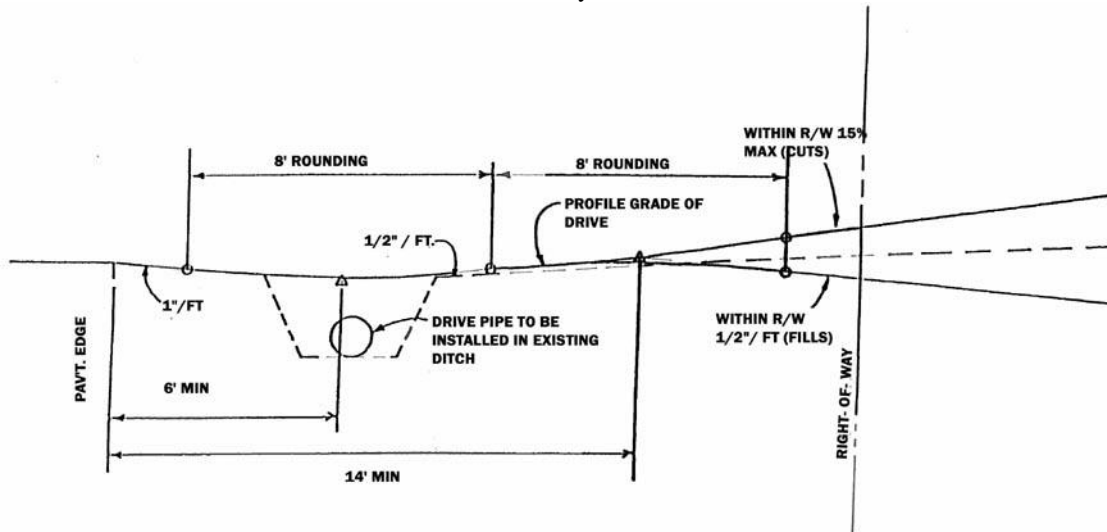
241. WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, wet meadows, sloughs, potholes, river overflows, mud flats, natural ponds, and similar areas and/or as shown on the Official Wetlands and Watercourse map(s), or any land area meeting the criteria established under Section 404 of the Federal Clean Water Act or

- subsequent federal or state legislation which restricts filling and/or dredging to such an extent that the use of the land for the construction of residential and/or commercial structures is effectively prohibited. (Revised 5/28/09)
242. WETLANDS, CATEGORY 1: A low quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA. (Effective 5/28/09)
243. WETLANDS, CATEGORY 2: A medium quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA. (Effective 5/28/09)
244. WETLANDS, CATEGORY 3: A high quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA. (Effective 5/28/09)
245. 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 10/28/10)
246. 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 10/28/10)
247. WIRELESS TELECOMMUNICATIONS ANTENNA OR “ANTENNA”: The physical device through which electromagnetic wireless communications signal authorized by the Federal Communications Commission is transmitted or received. Antennas used by amateur radio operators are not included in this definition. (Effective 5/28/09)
248. WIRELESS TELECOMMUNICATIONS FACILITY: A facility consisting of the equipment and structures involved in receiving telecommunications 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. (Effective 5/28/09)
249. WIRELESS TELECOMMUNICATIONS TOWER: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures. (Effective 5/28/09)

250. WOOD, NATURAL: Wood which has not been painted, varnished or coated with a 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 10/28/10)
251. YARD: An open space on the same lot with a principal building, extending between the lot line and the extreme front, rear or side wall of the principal building.
- a) YARD, FRONT: The area extending across the full width of the lot between the front of the principal building or proposed principal building and the front lot line. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot. A double frontage or through lots shall have a front yard on both streets. Where the public right-of-way line is not established, the right-of-way shall be assumed to be 30 feet on either side of the centerline of the road. Where a major or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the front yard depth shall be measured from the proposed street right-of-way line.
 - b) YARD, REAR: The area extending across the full width of the lot between the rear of the principal building or the proposed principal building and the rear lot line. On corner lots, the rear lot line shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall be in all cases at the opposite end of the lot from the front yard.
 - c) YARD, SIDE: The area between the main building and the side lot line extending from the front wall to the rear wall of the principal building.
252. YARD, REQUIRED. (See also Setback Line): The open space between a lot line and a setback line for a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Resolution.
253. ZONING MAP: The “Zoning Districts Map of Montville Township, Medina County, Ohio.”

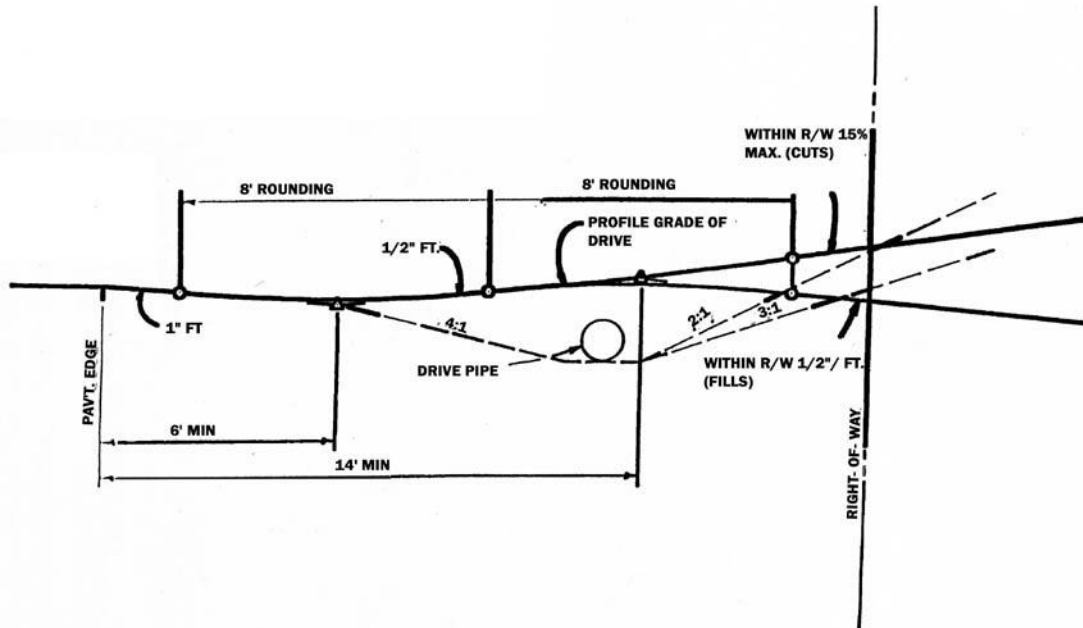
254. **ZONING INSPECTOR:** The individual designated to administer the Montville Township Zoning Resolution. Duties of the Zoning Inspector may also be performed by a designated agent.

Figure 6
Driveway Details



NORMAL DRIVEWAY PROFILE FOR ORIGINAL MEDINA COUNTY RURAL TYPE ROADS WITH OPEN DITCH

MEDINA COUNTY ENGINEER DRIVEWAY DETAILS	
DW-2	
DRAWN BY R. Robrich	APPROVED
DATE 7-18-80	REVISED



NORMAL DRIVEWAY PROFILE FOR RURAL TYPE RESIDENTIAL AND COLLECTOR ROADS WITH OPEN DITCH

MEDINA COUNTY ENGINEER DRIVEWAY DETAILS	
DW-4	
DRAWN BY R. Robrich	APPROVED
DATE 7-18-80	REVISED

**ARTICLE III
GENERAL ESTABLISHMENT**

**CHAPTER 310
Districts and Their Boundaries**

310.1	Establishment of Districts.	310.4	Interpretation of District
310.2	Districts.		Boundaries.
310.3	Zoning Map.		

Sec. 310.1 ESTABLISHMENT OF DISTRICTS.

The unincorporated territory of Montville Township, Medina County, Ohio is hereby divided into zoning districts. All such regulations are uniform for each building, structure, or use within each zoning district.

Sec. 310.2 DISTRICTS.

The zoning districts and their identifying symbol are as follows:

Residential Districts (Revised 9/10/09)

- R-R Rural Residential District
- R-1 Single-Family and Low Density Residential District
- R-2 Single-Family Suburban Residential District
- R-3 Single-Family Urban Residential District

Commercial Districts

- O Office District
- C-B Community Business District
- H-C Highway Commercial District
- R-C Rural Commercial District

Sec. 310.3 ZONING MAP.

The districts and their boundary lines are indicated upon the map entitled "Zoning Map of Montville Township, Medina County, Ohio," otherwise known as the "Zoning Map" which, together with all notations, references, and other matters shown thereon, are hereby made part of this Resolution.

The Zoning Map shall be maintained in the Office of the Zoning Inspector and shall show all amendments made thereon.

Sec. 310.4 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 Lot Lines. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- B. Where Boundaries Approximately Follow Streets, Alleys Or Highways. Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets or highways or the centerline or alley line of alleys, such lines shall be construed to be such district boundaries.
- C. Where Boundaries Parallel Street or Highway Right-of-Way Lines or Alley Lines. Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets or highways or the center lines or alley lines of alleys, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said Zoning Map.
- D. Where Boundaries Approximately Follow Railroad Lines. Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way.
- E. Vacation Of Public Ways. Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- F. Dispute Concerning Location of Boundaries. All disputes concerning the Zoning Inspector's determination of the exact location of zoning district boundaries shall be appealed to the Board of Zoning Appeals. The Montville Township Development Plan shall serve as a guide in resolving such disputes.

**CHAPTER 320
General Provisions**

320.1	General regulation of lots.	320.7	Fire protection, lighting, and utilities.
320.2	Nuisances prohibited.	320.8	Filing of deed covenants and restrictions.
320.3	Use regulations ó prohibited uses	320.9	Homeownersøassoc. turnover from the developer to the homeowners.
320.4	Access to the districts prohibited.	320.10	Schedule of Fees.
320.5	Temporary construction facilities.	320.11	Additional non-refundable fees.
320.6	Sewer and water facilities.		

Sec. 320.1 GENERAL REGULATION OF LOTS.

- A. Dwelling Units Per Lot. There shall be not more than one dwelling unit on a lot except as otherwise permitted in this zoning resolution. (Effective June 22, 2006)
- B. Required Street Frontage. All lots shall front on a dedicated public street or an approved private street, except as otherwise permitted for planned residential developments. The required street frontage shall also apply to lots created as part of a minor subdivision.
- C. Required Yard and Open Space Maintained. The required yards surrounding an existing principal building, which have been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this Resolution shall not, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement for any other principal building.
- D. Lot Requirements To Be Maintained. A parcel of land may be subdivided into two or more parcels provided all lots resulting from such division conform to the lot area and width requirements of the district in which such land is located. A nonconforming lot of record that is owned separately from adjoining lots on the effective date of this Resolution or an amendment adopted thereafter which affected its conformity shall not be reduced in any manner that would increase its nonconforming situation.

Sec. 320.2 NUISANCES PROHIBITED.

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution and any additional conditions and requirements prescribed, may be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matters and water carried wastes, or which will interfere with adjacent landowners enjoyment of the use of their lands.

Sec. 320.3 USE REGULATIONS – PROHIBITED USES.

Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in the zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12, or upon the granting of a variance. (Restated 01/12/17)

Sec. 320.4 ACCESS TO THE DISTRICTS PROHIBITED.

Driveways shall not be established from a road in a residential development to land in a nonresidential district or from a road in a nonresidential development to land in a residential district (Effective June 22, 2006).

Sec. 320.5 TEMPORARY CONSTRUCTION FACILITIES.

Temporary construction facilities for use incidental to construction work may be erected in any zoning district herein established; however, such facilities shall be removed upon completion or abandonment of the construction work. A temporary permit shall be obtained prior to the erection of a temporary construction facility, in compliance with the application requirements set forth in the Sec. 710.10. Such permits shall be valid for a one (1) year period, after which time it may be renewed. Temporary construction facilities shall not be used for habitation.

Sec. 320.6 SEWER AND WATER FACILITIES. (Revised 9/10/09)

- A. In the absence of a public water supply, no dwelling shall be constructed unless reasonable provision is made for an adequate, dependable, pure water supply from a drilled well, cistern, dug well, or spring, in accordance with the Private Water System Rule, Ohio Administrative Code, Chapter 3701-28 and the Medina County Health Department.
- B. In the absence of a sanitary sewer, sewerage shall be disposed of in a manner that prevents nuisance and contamination of the water supply, and is discharged through a watertight sewer into a septic tank in accordance with the Medina County Sanitary Code, Household Sewage Disposal Rules, Chapter 3 of the Medina County Health Department. Such sanitary provisions shall be made prior to human occupancy of the premises.

Sec. 320.7 FIRE PROTECTION □ LIGHTING □ AND UTILITIES.

Any residential development requiring a street conforming to the Medina County Subdivision Regulations shall be equipped at all times and comply with the following:

- A. Adequate fire hydrants or dry hydrants shall be provided as determined by the Medina City Fire Department, which serves that area.
- B. Adequate artificial lighting of streets that meet the standards established by the public utility and the Township as to number, candlepower, location, and type of support.
- C. All utility lines shall be placed underground. Utility easements at least 10 feet in width to accommodate the underground utility lines shall be provided on all front yards and along certain side lot lines where necessary.

Sec. 320.8 FILING OF DEED COVENANTS AND RESTRICTIONS.

Every developer shall be required to file with the Township Zoning Office a certified copy of all original Deed Covenants and Restrictions relating to the subdivision, after such Deed Covenants and Restrictions are filed with the Medina County Recorder's Office and any amendments thereto subsequent to the passage and filing of such amendments with the Medina County Recorder's Office. The Deed Covenants and Restrictions shall specifically include this requirement for the filing of the original and all amendments with the Township Zoning Office.

Sec. 320.9 HOMEOWNERS' ASSOCIATION TURNOVER FROM THE DEVELOPER TO THE HOMEOWNERS.

At least sixty (60) days prior to the developer turning over the homeowners' association to the homeowners, the township must be notified in writing. Such documentation shall include contact information of officers of the homeowners' association. (Effective June 22, 2006)

Sec. 320.10 SCHEDULE OF FEES.

The Township Board of Trustees shall by Resolution establish a schedule of fees, charges and expenses for zoning certificates, development plan review, conditional use permits, similar use determination, appeals, variances, amendments, and other procedures and services pertaining to the administration and enforcement of the Montville Township Zoning Resolution. In determining the fee amounts, the Trustees shall consider the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect, and including the cost of review by professional consultants and related investigations, inspections, legal advertising, and postage. The schedule of fees shall be available from the Zoning Department and may be altered or amended only by the Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. Fees shall be nonrefundable, except as otherwise noted.

Sec. 320.11 ADDITIONAL NON-REFUNDABLE FEES

- A. In the event it is necessary to draw upon legal, engineering, planning or other expert testimony, consultation, or documentation, all expenses shall be borne by the applicant. (Effective June 22, 2006)
- B. When a court reporter is deemed necessary for meetings or public hearings, all expenses shall be borne by the applicant. (Effective June 22, 2006)

**CHAPTER 330
Supplemental District Regulations**

330.1	Agricultural uses.	330.5	Temporary sales and special events.
330.2	Agritourism	330.6	Ponds or lakes.
330.3	Permitted height exceptions.	330.7	Sexually oriented businesses.
330.4	Visual clearance on corner lots.	330.8	Shooting Ranges

Sec. 330.1 AGRICULTURAL USES.

Consistent with the requirements of the Ohio Revised Code, Section 519.21, a township shall have the authority to regulate agricultural uses in any area consisting of a platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agriculture shall be regulated as follows:

- A. On lots of one (1) acre or less the raising for private use, consumption or incidental sale of fruits, vegetables, or nursery stock shall be permitted provided no products shall be sold except those which are produced on the premises. No agricultural building or structure shall be constructed on the lot, except for one roadside stand as permitted in Sec. B2 below.
- B. Buildings or structures incidental to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall be permitted. Such building or structure shall comply with the following:
 - 1. All buildings and structures shall comply with the setback regulations set forth in the district in which the building or structure is located, except as otherwise specified below for roadside stands and buildings housing animals.
 - 2. Roadside stands on lots less than five (5) acres where 50 percent 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, shall be regulated as follows:
 - a) Each farm shall be permitted only one roadside stand or market located on the farm property.
 - b) The area of the roadside stands shall not exceed 400 square feet.
 - c) The maximum height of the roadside stand shall be 10 feet.

- d) The roadside stand shall be located a minimum of 30 feet from any side lot line or street right-of-way line.
 - e) Signs advertising the roadside stand shall comply with the regulations set forth in Chapter 510.
 - f) Adequate parking shall be provided in such a way so as not to create a public safety hazard.
 - g) The roadside stand shall be removed at the conclusion of the farm's seasonal sales and stored in an enclosed building or placed in the rear yard.
- C. The keeping of animals in a private stable on lots less than five acres, and when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the Revised Code shall comply with the following regulations:
- 1. The area of a lot upon which such animals are kept shall not be less than 2 acres.
 - 2. Whenever one or more animals are kept outdoors on a lot, an accessory building for their shelter shall be constructed on the lot.
 - 3. The area of the accessory building intended to provide shelter for one or more animals shall not exceed 1% of the lot area.
 - 4. Such accessory building shall be located no closer than:
 - a) 70 feet to a street right-of-way;
 - b) 30 feet to a side or rear lot line; and
 - c) 100 feet from any water well.
 - d) 200 feet from any dwelling on an adjoining parcel existing at the time the accessory structure is erected.
 - 5. The height of the accessory building shall not exceed 25 feet.
- D. A dwelling unit on the same lot with an agricultural use and any accessory building associated with the dwelling unit shall comply with all regulations for dwelling units set forth in this Resolution. However, in no case shall a lot that is subject to the regulations set forth in this section and which is occupied by both a dwelling unit and an agricultural use have more than one accessory building.
- E. This section confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture and

agricultural buildings and structures on lots greater than five (5) acres regardless of the district in which such lot is located.

- F. Within a flood hazard area that may be considered agricultural in nature, structural and non-structural construction must follow the regulations of the Medina County Engineer. (Effective June 22, 2006)
- G. Agricultural ponds and lakes should follow the guidelines of the Montville Township Agricultural Lakes and Ponds Regulations. (Effective June 22, 2006)

Sec. 330.2 AGRITOURISM. (Effective 9/27/18)

Agritourism operations shall only be permitted when the use is compatible with the area in form and function; will not endanger public health or safety; and is designed in such a way to mitigate potential conflicts with adjacent and nearby land uses and when the following standards have been satisfied.

- A. Agritourism use is approved through the development plan review process (Discussion and Preliminary and Final Development Plans) by the Zoning Commission.
- B. Preliminary and final development plans shall be prepared by a registered engineer or licensed surveyor and drawn to an appropriate scale. Plans shall indicate the following:
 - 1. Location and dimensions, including height, of all existing and proposed buildings and structures; building/structure spacing; setbacks; off-street parking lots and parking areas; drives, common drives and all points of ingress and/or egress; walkways; and any existing or proposed well and/or on-site wastewater disposal system area(s);
 - 2. Use of existing and proposed buildings and structures, other than proposed units on fee simple lots;
 - 3. Location of all public right-of-ways and private streets; and
 - 4. Proposed and existing fences, walls, signs, and lighting.
- C. The proposed use is physically suitable for the parcel on which it is proposed.
- D. The proposed and existing structures are located to limit the impact to adjoining properties.
- E. The size and setback for any structure used primarily for agritourism activities shall be determined by the Zoning Commission per township regulations.

- F. Access by public emergency equipment such as fire, ambulance and police vehicles shall be provided.
- G. Adequate pedestrian circulation, vehicular traffic movement and off-street parking shall be provided.
- H. Off-street parking lots and all points of ingress and/or egress shall be built and maintained in a manner necessary to protect public safety and shall comply with Chapter 520 (Off-Street Parking and Loading Regulations) except as required by the Ohio Revised Code.
- I. The agritourism provider shall provide evidence the farm on which the agritourism operation is located meets the following:
 - 1. Currently enrolled and in good standing with the Current Agricultural Use Value (CAUV) program with Medina County; and
 - 2. Ten (10) or more acres are devoted exclusively to commercial agricultural use; or if less than ten (10) acres are devoted to commercial agricultural use, evidence shall be provided that such farm produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
- J. The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.

Sec. 330.3 PERMITTED HEIGHT EXCEPTIONS.

- A. No principal building shall be erected, altered, enlarged, moved or maintained to exceed the maximum height regulations established for each district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected up to 15 feet above the height limits set forth herein.
- B. No such structure shall have a total area greater than 25 percent of the roof area of the building or be used for any purpose other than a use incidental to the principal use of the building.
- C. No Outdoor Wood-fired Hydronic Heater shall be erected, altered, 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

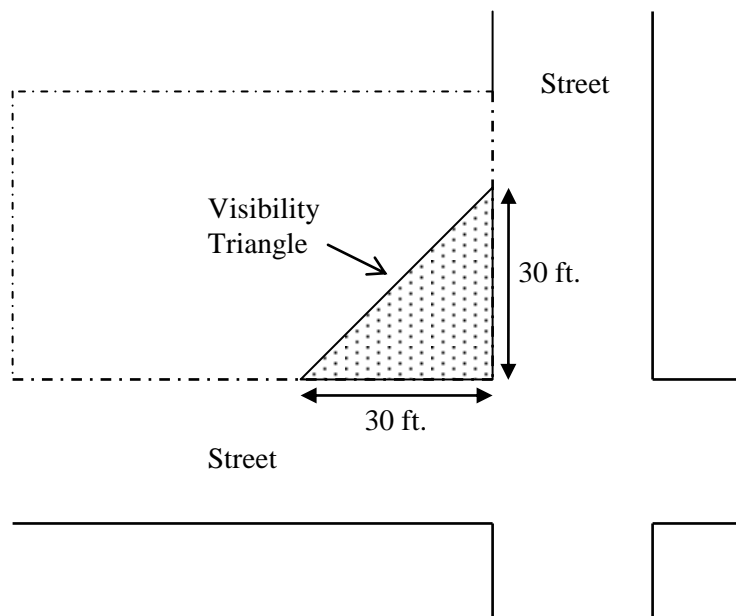
the chimney of the unit may be erected to the height necessary to meet the requirements of Section 410.8 M. 11. d). (Effective 10/28/10)

- D. 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. (See also Section 410.8 L. 6.) (Effective 10/28/10)

Sec. 330.4 VISIBILITY AT INTERSECTIONS.

On every corner lot there shall be no material impairment to visibility between a height of two and one-half feet and eight feet above the natural grade, within a triangular area formed by the right-of-way lines of two intersecting streets and a line connecting them at two points, both 30 feet from the point of intersection of such right-of-way lines. Figure 330.3 illustrates the visibility triangle.

Figure 330.3 Visibility Triangle



Sec. 330.5 TEMPORARY SALES AND SPECIAL EVENTS.

Temporary sales or community events, programs or festivals shall be permitted in association with a residential, commercial or institutional use in compliance with the following requirements and the temporary use permit procedures set forth in Sec. 710.10, except as otherwise stated.

- A. Garage or Yard Sales. Garage or yard sales shall be permitted on a residential lot without obtaining a permit, provided that such sale is conducted for a period not to exceed 72 hours, no more than twice per calendar year.

- B. Special Events in Residential Districts. The Zoning Inspector shall review and act on an application for a public or institutional use in a residential district to conduct a temporary community event, fund-raiser or festival, provided that such event shall be limited to not more than three days, no more than three separate events per calendar year. Any such activity or festival that is intended to last for a period longer than three days shall be approved by the Board of Zoning Appeals as a conditional use.

- C. Temporary Retail Sales and Special Events in Commercial Districts. In Commercial Districts, temporary outdoor retail sales, including but not limited to sales of plants, flowers, Christmas trees, crafts, or inventory reduction or liquidation sales, or community events or festivals conducted by institutional uses, may be permitted in compliance with the following regulations:
 - 1. No more than three separate events for any particular lot shall be conducted within a single calendar year.
 - 2. The Zoning Inspector shall review and act on an application for a temporary zoning permit for temporary outdoor retail sales or community events that are limited in duration to three (3) days or less.
 - 3. The Board of Zoning Appeals shall review and act on an application for a temporary zoning permit, including a development plan, for any temporary outdoor retail sales or community event with a duration of more than three (3) days but not longer than 60 days, according to the conditional use procedures.

- D. Activities on Public Property. A temporary outdoor special event may be conducted on publicly owned property, provided that any necessary application for such event includes written consent from the property owner authorizing the operator of the temporary outdoor event to conduct such event on the property as proposed. Such temporary outdoor events shall not be conducted within a public street right-of-way, unless the Township Trustees agree to the utilization of the public right-of-way, in addition to any other controlling authority.

- E. Signs. Any signs employed to promote temporary sales or special events shall comply with Chapter 510.

Sec. 330.6 PONDS OR LAKES.

Ponds and lakes shall be considered structures and shall require a zoning certificate pursuant to Sec. 710.3.A. prior to installation to determine compliance with the requirements of this Section.

- A. The high water mark on all sides of the pond or lake shall conform to all required setback lines established for the district in which it is located.

- B. Where embankments are utilized, the toe of the slope for said embankment shall be a minimum of 10 feet from any property line and/or 60 feet from the road right-of-way line, unless specifically permitted otherwise.
- C. Ponds and lakes shall be located entirely within the lot lines of an individual lot.
- D. Ponds and lakes shall be at least 25 feet from the principal building.
- E. Ponds and lakes shall meet the specifications of the Medina County Stormwater Management and Sediment Control Rules and Regulations, the Medina County Soil and Water Conservation District and Chapter 1521 of the Ohio Revised Code. Lakes and ponds used for domestic water supply shall also meet the requirements of Chapter 2 of the Medina County Sanitary Code.
- F. A zoning certificate shall be obtained prior to construction of a pond or lake. The applicant shall submit to the Zoning Inspector a copy of the proposed pond or lake plans.
 - 1. The applicant shall submit documentation that the pond or lake has been reviewed by the Medina County Engineer's Office for compliance with the Stormwater Management and Sediment Control Rules and Regulations. The Zoning Inspector may request a review by the Medina County Engineer's Office to ensure conformity with approved plans.
 - 2. In the event the pond or lake is to be used as a domestic water supply, the applicant shall furnish evidence that the pond or lake has been reviewed and approved for such use by the Medina County Health Department.
- G. Ponds and lakes that are equipped with dry hydrants in order to meet the service needs of the Medina City Fire Department shall comply with all applicable requirements. In the event there is a conflict between the requirements for dry hydrants and these regulations, the requirements for dry hydrants shall govern, including but not limited to the location of the pond or lake.
- H. All agricultural ponds and lakes should comply with the requirements set forth in Section 330.1 G. (Effective June 22, 2006)

Sec. 330.7 SEXUALLY ORIENTED BUSINESSES. (Revised December 13, 2007)

Preamble

Based on the findings of the Township Zoning Commission and the Board of Township Trustees regarding the adverse secondary effects of Sexually Oriented Businesses, it is the purpose of this Section to regulate sexually oriented businesses to promote the health, safety and welfare and/or for the public convenience, comfort, prosperity, and general welfare of the

citizens of the Township as appropriate and authorized by law, and to establish reasonable and uniform regulations regarding sexually oriented businesses to prevent the deleterious location and concentration of sexually oriented businesses within the Township. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

- A. **Findings:** Based on evidence concerning the adverse secondary effects of Sexually Oriented Businesses on communities presented in hearings and in reports made available to the Montville Township Board of Trustees, and on findings incorporated in the cases of *City of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *City of Los Angeles v. Alameda Books, Inc.* (2002), 535 U.S. 425; *City of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *City of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Arcara v. Cloud Books, Inc.* (1986), 478 U.S. 697; *Iacobucci v. City of Newport, Ky* (1986), 479 U.S. 92; *Young v. American Mini Theatres* (1976), 427 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; and *DLS, Inc. v. City of Chattanooga* (6th Cir., 1997), 107 F.3d 403; *East Brooks Books, Inc. v. City of Memphis* (6th Cir., 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio, 2000), 99 F. Supp. 837; *Bamon Corp. v. City of Dayton* (S.D. Ohio, 1990), 730 F. Supp. 90, *aff'd* (6th Cir., 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn., 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. City of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Déjà vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. City of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. City of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. City of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. City and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. City of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; as well as studies conducted in other cities including, but not limited to, Cleveland, Ohio (1977); Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles,

California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986 and 1992); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence, and the Montville Township Board of Trustees' independent review of the same, the Montville Township Board of Trustees makes the following findings:

1. Sexually Oriented Businesses can cause or contribute significantly to increases in criminal activity in areas in which they are located or take place, thereby taxing law enforcement and public health services.
2. Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where Sexually Oriented Businesses are located.
3. Sexually Oriented Businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.
4. Nude dancing and other similar conduct provided by Sexually Oriented Businesses encourages prostitution, increases the frequency of sexual assaults, attracts or encourages other related criminal activity, increases the public health and safety risks associated with Sexually Oriented Businesses, and otherwise causes or contributes significantly to the

- adverse impacts and secondary effects of Sexually Oriented Businesses on the areas in which such businesses are located, or take place.
5. Sexually Oriented Businesses can cause or contribute significantly to the deterioration of residential neighborhoods, can impair the character and quality of such neighborhoods and the housing located therein, and can inhibit the proper maintenance and growth of such neighborhoods, limiting or reducing the availability or quality of affordable housing for area residents, and reducing the value of property in such areas.
 6. Sexually Oriented Businesses can undermine the stability of other established business and commercial uses in the areas in which Sexually Oriented Businesses are located or take place and cause or contribute significantly to the deterioration of such other business and commercial uses, thereby causing or contributing to a decline in such uses and an inhibition on business and commercial growth resulting in adverse impact on local government revenues and property values.
 7. Sexually Oriented Businesses can have a dehumanizing and distracting influence on young people and students attending schools, can diminish or destroy the enjoyment and family atmosphere of persons using parks, playgrounds, forest preserves, and other public recreational areas, can interfere with or even destroy the spiritual experience of persons attending church, synagogue, or other places of worship, and can interfere with or even destroy the opportunity for solemn and respectful contemplation at cemeteries and similar facilities.
 8. The presence of Sexually Oriented Businesses is perceived by the public generally and by neighboring business owners and residents as an indication that the area in which such businesses occur or take place is in decline and deteriorating, a perception that can quickly lead to such decline and deterioration, prompting businesses and residents to flee the affected area to avoid the consequences of such decline and deterioration.
 9. The exterior appearance, including signage, of Sexually Oriented Businesses can have an adverse impact on young people and students, can contribute to the decline in property values associated with Sexually Oriented Business activities, and can otherwise cause or contribute significantly to the adverse impacts and secondary effects of Sexually Oriented Businesses on the areas in which such businesses are located or take place.

10. Sexual acts, including masturbation and oral and anal sex, occur at Sexually Oriented Businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. The “couch dances” or “lap dances” that frequently occur in Sexually Oriented Businesses featuring live nude or seminude dancers constitute or may constitute the offense of “engaging in prostitution” under section 2907.25 of the Revised Code.
11. Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions.
12. Persons frequent certain Sexually Oriented Businesses for the purpose of engaging in sex within the premises of those Sexually Oriented Businesses.
13. Certain employees of certain Sexually Oriented Businesses, including adult theaters and adult cabarets, engage in a higher incidence of certain types of illicit sexual behavior that employees of other businesses and establishments.
14. Numerous communicable diseases may be spread by activities occurring in Sexually Oriented Businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, campylobacter infections, shigella infections, chlamydial infections, myoplasmal infections, ureoplasmal infections, trichomoniasis, and chancroid.
15. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985; and 253,448 through December 31, 1992.
16. A total of 10,255 AIDS cases had been reported in Ohio as of January, 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with HIV (4,213) and AIDS (3,756) in the state.
17. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.

18. The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
19. The number of cases of early (less than one year) syphilis in the United States reported annually has risen: 33,613 cases were reported in 1982 and 45,200 cases were reported through November 1990.
20. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
21. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
22. Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of Sexually Oriented Businesses.
23. Sanitary conditions in some Sexually Oriented Businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
24. Sexually Oriented Businesses lend themselves to ancillary unlawful and unhealthy activities that are uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.
25. Concentrations of multiple Sexually Oriented Businesses are associated with higher rates of prostitution, robbery assaults, and thefts in the surrounding neighborhood and dispersing Sexually Oriented Businesses causes a reduction in the adverse impact and secondary effects of such businesses.
26. The findings noted in Paragraphs 1 through 25 of this Article raise substantial governmental concerns.

27. The enactment of these zoning regulations will promote the general welfare, health, morals, and/or safety of the citizens of Montville Township.

B. Definitions

1. Adult Arcade: means any place to which the public is permitted or invited wherein coin-operated or slug operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”.
2. Adult Book/Video Store: means a commercial establishment which, as a significant or substantial portion of its business or as one of its principal purposes, offers for sale or rental, for any form of consideration, any of the following: books, magazines, newspapers, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, DVDs, compact disks, slides, other video reproductions, or other visual representations which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”.
3. Adult Hotel/Motel: means a hotel, motel, or similar commercial establishment that:
 - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas” and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
 - b. Offers a sleeping room for rent for a period of time that is less than eight (8) continuous hours; or
 - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than eight (8) continuous hours.

4. Adult Motion Picture Theater: means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”. This does not include materials that have been rated “G”, “PG”, “PG-13” or “R” by the Motion Picture Association of America.
5. Adult Novelty Store: means a commercial establishment which, has a significant or substantial portion of its business or as one of its principal purposes, offers for sale or rent instruments, devices, lingerie, leather goods or paraphernalia (other than medical and contraceptive devices) either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs or for use in connection with “specified sexual activities” or for sadomasochistic use or abuse of self or others.
6. Adult Only Live Entertainment Business: means a nightclub, bar, restaurant or other commercial establishment which regularly features any of the following:
 - a. Persons who appear in a state of nudity or semi-nude; or
 - b. Exhibitions, dance routines, or gyrating choreography or any other live performance of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services that is distinguished or characterized by the exposure of “specified anatomical areas” or by an emphasis upon exhibiting, depicting, simulating or displaying “specified sexual activities”; or
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”; or
7. Adult Theater: means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by

- the exposure of “specified anatomical areas” or by “specified sexual activities”.
8. Escort: means a person who, for any form of consideration, agrees or offers to act as a companion or date for another person and who agrees or offers to appear in a state of nudity or who agrees or offers to privately model lingerie or privately perform a striptease for another person.
 9. Escort Agency: means a person, business association, or other commercial establishment who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
 10. Massage Parlor: means a commercial establishment where, for any form of consideration, massage, alcohol rub, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar profession persons licensed by the state. This definition shall not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory use.
 11. Nude Model Studio: means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for any form of consideration. Nude model studio shall not include any of the following:
 - a. Proprietary school licensed by the State of Ohio;
 - b. A college, junior college, or university supported entirely or in part by public taxation;
 - c. A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;
 - d. An establishment in a structure that:

- i. Has no sign visible for the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - ii. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - iii. No more than one nude or semi-nude model is on the premises at any one time.
- 12. Nudity or State of Nudity: means the appearance or display of a specified anatomical area.
- 13. Semi-Nude or Semi-Nudity: means the appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- 14. Sexual Encounter Center: means a business or commercial establishment or enterprise that, as a significant or substantial portion of its business or as one of its principal business purposes, offers for any form of consideration any of the following:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
 - b. Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- 15. Sexually Oriented Business: means any one of the following:
 - a. Adult Arcade
 - b. Adult Book/Video Store
 - c. Adult Hotel/Motel
 - d. Adult Motion Picture Theater
 - e. Adult Novelty Store
 - f. Adult Only Live Entertainment
 - g. Adult Theater
 - h. Escort Agency
 - i. Massage Parlor
 - j. Nude Model Studio

- k. Sexual Encounter Center
 - l. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional persons licensed by the state engages in medically approved and recognized sexual therapy or other treatment.
16. Specified Anatomical Areas: means a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a complete and fully opaque covering; or a female breast with less than a complete and fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
17. Specified Sexual Activities: means any one or more of the following:
- a. Actual or simulated fondling or other touching of an erogenous zone of another, including without limitation, the thigh, genitalia, pubic area, buttocks, anus or female breast, whether covered or uncovered; or
 - b. Actual or simulated sex acts, normal or perverted, including, but not limited to, intercourse, fellatio, cunnilingus, oral copulation, sodomy, masturbation, bestiality, or the insertion, however slight, of any part of the body, or an instrument, apparatus, or other object into the vaginal or anal cavity of another; or
 - c. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
 - d. Human bodily functions of elimination, including, but not limited to, defecation, ejaculation, or urination as part of or in connection with any of the activities set forth in (a), (b) and (c) above; or
 - e. Sadoomasochistic practices including, but not limited to, flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of another.

C. Location

- 1. A Sexually Oriented Business may be located only in the Highway Commercial (H-C) District and only in accordance with the restrictions contained this Article.

2. No Sexually Oriented Business shall be permitted or operated within 700 feet of Interstate 71. This measurement shall be from the interstate right-of-way line to the property line.
3. Only one (1) Sexually Oriented Business shall be permitted in any one building, structure, or portion thereof and only one (1) Sexually Oriented Business shall be permitted per lot of record.
4. No Sexually Oriented Business shall be established or operated within 500 feet of any other Sexually Oriented Business. For purposes of this paragraph, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
5. No Sexually Oriented Business shall be established or operated within 300 feet of any lot zoned R-1, R-2, or R-3 or any lot primarily used for residential purposes (Revised 9/10/09).
 - a. For purposes of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the lot containing one or more of the foregoing.
6. No Sexually Oriented Business shall be established or operated within 1,000 feet of a lot of record that contains any of the following:
 - a. A church, synagogue, mosque, temple or other building which is used primarily for religious worship or related religious activities;
 - b. A public or private educational facility that serves persons younger than eighteen (18) years of age, including but not limited to, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School includes the school grounds, but does not include

facilities used primarily for another purpose and only incidentally as a school;

- c. A Child Day Care facility.
- d. A public library or museum that regularly serves persons younger than eighteen (18) years of age;
- e. A public park or public recreational area that is under the ownership, control, operation, or management of the federal government, the State of Ohio, or any political subdivision, agency, department, or authority thereof. "Public park" and "recreational area" include, but are not limited to, a park, playground, nature trails, swimming pool, athletic field, basketball court, tennis court, pedestrian/bicycle paths, wilderness areas, picnic areas, or other similar public land;
- f. Cemetery.
- g. For purposes of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the lot containing one or more of the foregoing.

D. Restrictions

- 1. No advertisement, displays, or other promotional materials displaying or describing sexual activities or anatomical areas shall be shown or exhibited in any manner visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- 2. All building openings, entries, and windows shall be located, serviced, or covered in such a manner as to prevent viewing into the interior from any public or semi-public area, sidewalk, or roadway.
- 3. No screens, loudspeakers, or sound equipment shall be used for adult motion pictures that can be seen or discerned by the public from any public or semi-public area, sidewalk or roadway.
- 4. No merchandise or activities of a sexually oriented business shall be visible from a point outside the establishment.

E. Supplemental Provisions

1. Severability: It is the specific intent of the Township that if any section, subsection, sentence, clause, phrase, or portion of these regulations is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution as adopted. The township specifically declares that given the overall purpose and intent of this Resolution, it would have adopted the Resolution if such invalid provision had not been included or any illegal application had not been made.

2. Prevalence of Conforming Use: Any sexually oriented business which is lawfully and legally located and operating as a conforming use pursuant to the regulations set forth in this Resolution shall not be rendered a “non-conforming use” if a change in the zoning classification or use of any lot or structure would otherwise result in such sexually oriented business no longer being located legally and such business may continue as a conforming use.

Sec. 330.8 SHOOTING RANGES

In accordance with Ohio Revised Code, Section 1533.84, the chief of the division of wildlife establishes standards for private and public shooting ranges in Ohio. Private and public shooting ranges shall substantially comply with the guidelines described or explained in the most recent published version of “The NRA Range Source Book.” (Effective 01/12/17)

**ARTICLE IV
DISTRICT REGULATIONS**

**CHAPTER 410
Single-Family Residential District Regulations**

410.1	Purpose.	410.8	Accessory use regulations.
410.2	Use regulations.	410.9	Regulations for home occupations.
410.3	Schedule of uses.	410.10	Family day care home, type "B".
410.4	Lot requirements.	410.11	Adult family homes and family homes for handicapped persons.
410.5	Yard requirements.	410.12	Regulations for model homes.
410.6	Height requirements.		
410.7	Dwelling unit floor area requirements.		

Sec. 410.1 PURPOSE

Single-Family Residential Districts (R-R, R-1, R-2, and R-3) and their regulations are established in order to achieve, among others, the following purposes:

- A. To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces for each unit appropriate for the various districts;
- B. To regulate the density and distribution of population in accordance with the Montville Township Comprehensive Plan/Development Plan (Effective 06/22/06) to avoid congestion and to provide adequate public services;
- C. To provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities;
- D. To carry out the following specific purposes:
 - 1. The R-R Rural Residential District is established to provide for single-family residential developments with a four (4) acre minimum lot size in order to maintain the rural character in the Township. As an alternative, conservation planned residential developments are permitted when a minimum of 50 % of the site is preserved as open space.
 - 2. The R-1 District is established to provide for the development of low density single-family residential dwellings on subdivided lots with a minimum lot size of two (2) acres, planned neighborhood developments to enable the review of large scale developments, and controlled density planned residential developments to preserve reasonable amounts of open space in the Township.

3. The R-2 District is established to provide for the development of single-family residential dwellings on subdivided lots with a minimum lot size of 22,000 square feet, and controlled density planned residential developments to discourage large concentrations of intensive development where it is desirable to preserve reasonable amounts of open space and maintain the suburban character of the Township.
 4. The R-3 District is established to encourage single-family residential dwellings at a density of approximately 2.7 dwelling units per acre in locations that are adjacent to the City of Medina, and controlled density planned residential developments to discourage large concentrations of intensive development where it is desirable to preserve reasonable amounts of open space and maintain the suburban character of the Township. This District is to serve as a transitional district between similar or higher density residential neighborhoods in the City and the intended lower density residential neighborhoods in the Township in a manner that will provide for the efficient development and utilization of community facilities such as water and sewers, streets, and schools. (Revised 09/27/07)
- E. To promote the most desirable and beneficial use of the land in conformity with the Township Comprehensive Plan/Development Plan. (Effective 06/22/06)

Sec. 410.2 USE REGULATIONS.

- A. A use listed in Schedule 410.3 shall be a principal use permitted by right in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- B. A use listed in Schedule 410.3 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 450 have been met according to the procedures set forth in Chapter 730;
- C. An accessory use that is clearly incidental to and located on the same lot as a use listed in Schedule 410.3 shall be permitted provided that the requirements of all other township resolutions and this Zoning Resolution have been met. Accessory uses are further regulated as noted below:
 1. Accessory buildings and structures, see also Sec. 410.8 D.
 2. Family day care home, type B, see also Sec. 410.10.
 3. Fences, walls and hedges, see also Sec. 410.8 K.
 4. Home occupation, see also Sec. 410.9.
 5. Off-street parking area, see also Sec. 410.8 F.
 6. Ponds and lakes, see also Sec. 330.5.
 7. Private swimming pool, see also Sec. 410.8 I.

8. Private stable, see also Sec.330.1 C.
 9. Roadside stand, see also Sec. 330.1 B.
 10. Signs, see also Chapter 510.
 11. Storage or parking of recreational vehicles, see also Sec. 410.8 G.
 12. Temporary buildings for uses incidental to construction, see also Chapter 320, Sec. 320.4.
 13. Temporary garage sale or special event, see also Sec. 330.4.
- D. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular residential district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12, or upon the granting of a variance.

Sec. 410.3 SCHEDULE OF USES.

	R-R	R-1	R-2	R-3
	Rural Residential District	Single-Family Low Density Residential District	Single-Family Suburban Residential District	Single-Family Urban Residential District
A. Residential				
1. Single-family detached dwellings	P	P	P	P
2. Single-family subdivision	P	P	P	P
3. Conservation Planned Residential Development in compliance with Chapter 414	P	--	--	--
4. Controlled Density Planned Residential Development in compliance with Chapter 414 (R-3 Effective 9/27/07)	--	P	P	P
5. Planned Neighborhood Development in compliance with Chapter 412	--	P	--	--
<u>Notes to Schedule 410.3</u>				
(a) Shall be permitted only as a co-location on existing towers in residential districts.				
P -- Principal use permitted by right. C-- Conditional use -- Not permitted				

	R-R	R-1	R-2	R-3
	Rural Residential District	Single-Family Low Density Residential District	Single-Family Suburban Residential District	Single-Family Urban Residential District
6. Adult family home and family home for handicapped persons in compliance with Sec. 410.11.	P	P	P	P
7. Accessory Living Quarters	C	C	C	C
B. Community Facilities				
1. Cemetery	C	C	C	C
2. Church or other place of worship	C	C	C	C
3. Day care center, child and/or adult (Effective 6/22/06)	C	C	C	C
4. Family Day Care Home, Type "B" (Effective 6/22/06)	P	P	P	P
5. Congregate Care Facility (Revised 10/8/15)	--	--	--	C
6. Essential services	P	P	P	P
7. Institution for higher education	--	--	C	--
8. Institutional meeting facility	--	--	C	--
9. Public safety facility	C	C	C	C
10. School, public or private, library	C	C	C	C
C. Recreation/Open Space				
1. Agriculture in compliance with Sec. 330.1	P	P	P	P
2. Camp facility, noncommercial including overnight and related accommodations	C	C	--	--
3. Golf course, private, public, or semi-private; country club, public or private. (Rev. 1/13/11)	C	C	C	--
<u>Notes to Schedule 410.3</u>				
(a) Shall be permitted only as a co-location on existing towers in residential districts.				
P -- Principal use permitted by right. C-- Conditional use -- Not permitted				

	R-R	R-1	R-2	R-3
	Rural Residential District	Single-Family Low Density Residential District	Single-Family Suburban Residential District	Single-Family Urban Residential District
4. Park, playground, picnic area, public or private	C	C	C	C
5. Riding facility, noncommercial public or private	C	C	--	--
6. Tennis club, club swimming pool or similar noncommercial recreation facility	C	C	C	C
D. Other				
1. Parking area for adjacent lot in commercial district	C	C	C	C
2. Public utility wireless telecommunication tower and/or facility (Revised 5/28/09 & 10/28/10)	C	C	C	C
3. Non-public utility wireless telecommunication facility (Effective 10/28/10)	(a)	(a)	(a)	(a)
<u>Notes to Schedule 410.3</u>				
(a) Shall be permitted only as a co-location on existing towers in residential districts.				
P -- Principal use permitted by right. C-- Conditional use -- Not permitted				

Sec. 410.4 LOT REQUIREMENTS.

Lots created in residential districts shall comply with the area and dimension requirements specified in Schedule 410.4 for the district in which the lot is located, except as otherwise regulated in Chapter 412 for Planned Neighborhood Developments and Chapter 414 for Planned Residential Developments.

- A. Minimum Lot Area and Width. The area and width of a lot shall not be less than the dimensions set forth in Schedule 410.4, unless a larger lot is required by the Medina County Health Department to adequately accommodate individual sanitary sewage disposal systems. The width of a lot shall be measured at the building line.

- B. Minimum Lot Frontage. The minimum lot frontage on any public or private street shall be the same as the minimum width at the building line (Effective 06/22/06) except for lots on curved streets or cul-de-sacs, as set forth in Schedule 410.4.
- C. One Dwelling per Lot. There shall not be more than one dwelling constructed on a lot except as otherwise permitted in Chapter 412 for Planned Neighborhood Developments and Chapter 414 for Planned Residential Developments.

Schedule 410.4 Minimum Lot Requirements:

	R-R	R-1	R-2	R-3
1. Min. Lot Size	4 acres	2 acres	22,000 sq.ft.	12,000 sq. ft.
2. Min. Width at Building Line	250 ft.	175 ft.	90 ft.	80 ft.
3. Min. Lot Frontage for lots on curved streets or cul-de-sacs	125 ft.	85 ft.	50 ft.	50 ft.

Sec. 410.5 YARD REQUIREMENTS.

Principal buildings shall be located on a lot in a manner that maintains the minimum required yards set forth in this section for the district in which the lot is located, except as otherwise regulated in Chapter 412 for Planned Neighborhood Developments and Chapter 414 for Planned Residential Developments. Every part of a required yard shall be unobstructed and open to the sky, except as otherwise specifically permitted in this Chapter.

- A. Required Front Yard. Each lot shall maintain a front yard in compliance with the following:
 - 1. A front yard shall not be less than the depth specified in Schedule 410.5, measured from the street right-of-way line.
 - 2. Notwithstanding subsection A.1, in areas where the average depth of at least two existing front yards on lots within 200 feet of the lot in question and within the same block front are less than or greater than the required front yard, the minimum required front yard on such lot may be modified. In such case, this shall not be less than the average depth of said existing front yards on the two lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the required depth of the front yard on any lot shall not be less than 25 feet.
 - 3. Corner lots shall comply with the front yard setback for each street on which the lot has frontage.
- B. Required Side Yards. Every interior and double frontage lot shall have and maintain two side yards. Schedule 410.5 sets forth the minimum width of a side

yard. Corner lots shall maintain one side yard that shall comply with the minimum width set forth in Schedule 410.5.

- C. Required Rear Yards. Each lot shall maintain a rear yard as specified in Schedule 410.5, except as otherwise required for double frontage lots in subsection D. below.
- D. Double Frontage Lots. Double frontage lots shall have and maintain one front yard and one rear yard, however when the rear yard is adjacent to one or more front yards of abutting lots, the rear yard of the double frontage lot shall comply with the district requirements for front yards.
- E. Riparian and Wetland Setbacks: See Chapter 570 (Revised 12/24/09)

F. Schedule 410.5: Minimum Yard Requirements for Principal Buildings.

	R-R ^(a)	R-1	R-2	R-3
1. Front Yard	70 ft.	70 ft.	50 ft.	40 ft.
2. Side Yard	30 ft.	20 ft.	12 ft.	10 ft.
3. Rear Yard	70 ft.	50 ft.	50 ft.	30 ft.
<u>Notes to Schedule 410.5:</u>				
(a) Subdivided lots not part of a PRD are approved as conditional use.				

Sec. 410.6 HEIGHT REQUIREMENTS.

All buildings and structures shall comply with the following height regulations.

- A. The height of principal buildings shall not exceed 35 feet.
- B. The height of accessory buildings and structures shall not exceed 20 feet, unless otherwise specified in this Zoning Resolution.
- C. Permitted height exceptions are set forth in Sec. 330.2.

Sec. 410.7 DWELLING UNIT REQUIREMENTS.

- A. Floor Area Requirements. In order to promote healthful living conditions and to stabilize the value and character of residential areas, single-family dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following minimum floor area requirements. For the purposes of calculating the floor area, all areas within basements, garages and any attached or detached accessory building or structure shall not be included. (Revised 12/24/09)

1. Total Floor Area:

- a) Single-family dwelling unit without basement: 1,400 square feet

- b) Single-family dwelling unit with basement: 1,200 square feet.
- 2. Minimum Ground Floor Area: 1,000 square feet, excluding garage, porch or attachments or additions.
- B. One Story Above Ground. All dwellings shall have at least one story above ground level and shall have a continuous and complete solid concrete or masonry perimeter foundation installed to a depth below the frost line.
- C. Siting Requirements. All dwelling units proposed to be located in any district shall comply with the following requirements:
 - 1. The structure shall be installed upon and properly attached to a permanent foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line in compliance with the Medina County Building Department regulations.
 - 2. Any hitches, axles, wheels, and conveyance mechanisms from factory-built housing shall be removed from the structure.
 - 3. The structure shall be connected to appropriate utilities.
 - 4. The structure shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering.
 - 5. All portions of the lot not covered by permitted structures shall be planted with grass, trees, shrubbery, appropriate ground cover or natural landscaping. All landscaping shall be adequately maintained. (Effective 06/22/06)
- D. Conformance with Building Requirements. All dwelling units shall conform either to the OBOA One and Two-family dwelling code, other applicable building code, or be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. All units constructed pursuant to the HUD Code shall bear a permanent label or tag as specified in 42 U.S.C.A. 5415 certifying compliance with all federal construction and safety standards. (Revised 07/23/09)

Sec. 410.8 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures and appurtenances to principal buildings in residential districts shall conform to the location, coverage and maintenance standards contained in this Section.

- A. Projections into Required Yards. Appurtenances, such as skylights, sills, belt-courses, cornices, and ornamental features, attached to the principal building may project a maximum of 12 inches into a required yard. The ordinary projections of chimneys or flues are permitted into the required side, rear and front yards.

B. Location Requirements for Accessory Uses. An accessory building or use permitted in a residential district shall be located as set forth in Schedule 410.8. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this Section.

C. Schedule 410.8: Yard Requirements for Accessory Buildings and Structures.

Use	Yard Permitted	Front Yard Regulations	Minimum Setback From Lot Line	
			Side	Rear
1. Accessory buildings (c)	Side, rear	NA	(a)	(a)
2. Driveways	Front, side, rear	--	3 ft.	3 ft.
3. Uncovered decks, patios, terraces, porches, platforms, and ornamental features that extend from the main living floor of a residence or a patio from a walkout basement. (Revised 06/21/07)	Side, Rear	NA	(a)	(b)
4. Open, unenclosed porch or paved terrace	Front	(b)	NA	NA
5. Fences, walls	Front, side, rear	0 ft.	0 ft.	0 ft.
6. Outdoor storage of recreation vehicle	Side, Rear	NA	10 ft.	10 ft.
7. Swimming pools/spas	Rear	NA	(a)	2 times (a)
8. Communication device antennas with a diameter greater than 39 inches	Side, Rear	NA	20 ft.	20 ft.
9. Public utility wireless telecommunication tower and/or facility (Effective 10/28/10)	Side, Rear	NA	(d)	(d)
10. Wind Energy Conversion Systems (WECS) (Effective 10/28/10)	Rear	NA	(e)	(e)
11. Outdoor Wood-Fired Hydronic Heater EPA Phase II (Effective 10/28/10)	Rear	NA	(a)	(f)

Notes to Schedule 410.8:

- (a) Shall comply with side yard setback for principal buildings set forth in Schedule 410.5.
- (b) May project a maximum of 10 ft. into required yard.
- (c) Not permitted in cluster home areas. (Effective 06/22/06)
- (d) Highest point of the TCF plus 25 ft. (Effective 10/28/10)
- (e) Height of turbine at the tip of the blade at its highest vertical position plus ten feet. (Effective 10/28/10)
- (f) Shall comply with rear yard setback for principal buildings set forth in Schedule 410.5. (Effective 10/28/10)

NA = Not applicable

D. Accessory Buildings.

1. All accessory buildings shall comply with the setback requirements of Schedule 410.8 and shall not be allowed in the front yard, as defined in Chapter 210, Definitions. Accessory buildings shall be located a minimum of 15 feet from the principal building. (Revised 01/12/17)
2. All accessory buildings shall comply with the height requirements of Section 410.6 B. (Effective 06/22/06; Revised 10/28/10)
3. Each dwelling unit shall be permitted to have only one accessory building, the maximum size of which shall not exceed one (1) percent of the platted lot area, nor 2,500 square feet, whichever is less.
4. The construction of accessory buildings shall require a zoning certificate, in compliance with the application requirements set forth in Sec. 710.3A.

E. Maximum Coverage of Rear Yard. The total area of all detached accessory buildings and structures, including garage, swimming pool, decks, and storage sheds shall not exceed 30% of the rear yard area.

F. Additional Regulations for Parking Areas and Driveways. In addition to the locational requirements set forth in Schedule 410.8, driveways and open off-street parking areas shall comply with the following:

1. All motor vehicles shall be parked in a driveway or parked or stored in a garage.
2. Driveways shall be a minimum of twelve (12) feet wide and shall extend from the pavement of the street upon which the lot fronts to the garage and parking area associated with the residence. (Revised 9/27/18)
3. Driveways may be used for the following purposes:
 - a) The parking of motor vehicles owned by the occupants of the dwelling and their visitors. (Effective 06/22/06)
 - b) The parking of one commercial car or truck not exceeding 7,000 pounds gross weight that is used in connection with said occupant's livelihood, except for emergencies and making deliveries.
 - c) The parking or storage of recreational vehicles in compliance with subsection G. below.

G. Parking or Storage of Recreational Vehicles and Equipment. In addition to the locational requirements of Schedule 410.8, any recreational vehicle, camper, or boat, on or off wheels shall be either stored wholly within a garage or outdoors in compliance with the following regulations:

1. Not more than one recreational vehicle, camper or boat, or trailer for such vehicle or equipment, shall be stored outdoors.
 2. Outdoor storage shall be permitted only in the side or rear yard on a paved or gravel surface, and shall be adequately screened from view from adjacent property according to the procedures set forth in Chapter 530. (Effective 06/22/06)
 3. A recreational vehicle, camper, or boat may be parked in a driveway in the front yard only for loading or unloading purposes for a period not to exceed 72 hours in any seven-day period.
 4. 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 connections to any electric, telephone, water, sewer, gas, or fuel source.
- H. Parking or Storage of Inoperable or Unlicensed Motor Vehicles. The storage of any inoperable, motor propelled vehicle or accessory to same shall not be permitted on any lot or parcel of land except in an enclosed accessory garage. No operable unlicensed motor vehicle shall be stored outdoors on a lot for more than 15 days.
- I. Swimming Pools and Spas. Private swimming pools and spas may be located in any Residential District provided they comply with location and coverage requirements of Schedule 410.8, Sec. 410.8E and the following supplemental regulations:
1. Swimming Pools (Effective 06/22/06)
 - a) For the purpose of these zoning regulations, swimming pools and spas containing over two (2) feet of water depth shall be considered structures and shall require a zoning certificate as set forth in Section 710.3A prior to installation.
 - b) In-ground pools and above-ground pools, including permanent or temporary inflatable type pools, with a height less than four (4) feet shall be completely surrounded by a fence or wall not less than four (4) feet in height.
 - c) Above-ground pools including permanent or temporary inflatable type pools and those with removable ladders having vertical surfaces of at least four (4) feet in height shall be required to have fences not less than four (4) feet in height and a gate only where access may be had to the pool.
 - d) An above ground pool attached to a deck with a minimum height of four (4) feet and security gate shall replace the need for a fence.
 - e) Fences shall be constructed so as to have no openings, holes, or gaps larger than four (4) inches in any dimension, except for doors or gates. An

accessory building may be used in or as part of such enclosure.
(Revised 10/28/10)

- f) Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion.
- g) The construction, plumbing and electrical requirements, inspections, and other safety shall comply with all applicable county codes.

2. Spas (Effective 06/22/06)

- a) Access to in-ground and above-ground spas must be limited by a locked cover, or completely surrounded by a fence, or a fence and locked gate where access may be had to the spa.
- b) Such fence shall not be less than four (4) feet in height and shall be constructed so as to have no openings, holes, or gaps larger than four (4) inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure. (Revised 10/28/10)
- c) Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion.

J. Ponds and Lakes. Accessory ponds and lakes in Residential Districts shall comply with the requirements set forth in Sec. 330.5.

K. Fences, Walls and Hedges. In addition to the locational requirements set forth in Schedule 410.8, fences, walls and hedges shall comply with the following:

- 1. Certificate Required. For the purposes of these zoning regulations, fences and walls shall be considered structures and shall require a zoning certificate as set forth in Sec. 710.3.A. prior to installation, except as otherwise permitted in subsections K.5 and K.6.
- 2. Front Yards:
 - a) Fences, walls and hedges in the front yard shall not exceed a height of four (4) feet.
 - b) Fences of woven wire, chain link, or barbed wire construction or masonry-type walls shall be prohibited in the front yard.
 - c) Fences and walls shall have uniform openings aggregating at least 50% of their surface area.
- 3. Side and Rear Yards:
 - a) Fences and walls located in the side or rear yards shall not exceed a height of six (6) feet, except as otherwise required in Section 540.5 F. (Revised 10/28/10)

- b) Hedges and informal plantings, such as trees and shrubs, may be higher than six (6) feet provided they are maintained and trimmed so as not to cause a nuisance to adjoining property.
- c) Solid walls, screens, and privacy enclosures, which are designed as an integral or component part of the dwelling structure and using materials common to the dwelling structure, shall comply with the principal building setbacks set forth in Schedule 410.5 for the front and rear yards, shall be permitted no closer than ten (10) feet from either side lot line, and shall be permitted to a maximum height of six (6) feet.

4. Construction, Maintenance and Repair.

- a) Fences and walls shall be well maintained and harmonious and appropriate in appearance with the existing character of the immediate area in which it is located.
- b) No fence, wall or hedge shall be constructed so as to be hazardous to existing or future neighboring uses.
- c) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.
- d) When erected near a property or lot line, the entire fence or wall and any of its supporting structures, appurtenances or foundations shall be contained within the lot or property of the person erecting or having erected said fence or wall. (Effective 06/22/06)
- e) All fences, walls and hedges shall be maintained in a neat and orderly manner.

5. Snow Fences. A snow fence or fence of similar type may be erected in any yard during the period from November 1st to April 1st for the sole purpose of preventing the drifting of snow on highways, driveways and sidewalks. Such fence shall not otherwise be used at any time as a temporary or permanent fence or enclosure. No permit shall be required.

6. Decorative Fencing. Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length but which comply with the height, yard and maintenance requirements set forth in this subsection, shall not require a permit.

L. Wind Energy Conversion Systems (WECS). (Effective 10/28/10)

The following resources were used to establish the regulations for wind energy conversion systems:

American Wind Energy Association (AWEA), www.awea.org; *In the Public Interest: How and Why to Permit for Small Wind Systems*, www.awea.org/smallwind/pdf/inthepublicinterest/pdf; *Jackson Officials Look to Regulate Wind Turbines*, Massillon Independent, February 15, 2008; *To Avoid*

Fights, Set Rules for Windmills Now, Experts Say, The Columbus Dispatch, March 17, 2008; *Small Wind Electric Systems – An Ohio Consumer’s Guide*, U.S. Department of Energy; *Energy Savers Tips on Saving Energy and Money at Home*, www.eere.energy.gov/consumerinfo/energy_savers; *Alternative Energy Sources Ordinance*, City of Norton, Summit County, Ohio; *Draft Alternative Energy Source Code*, City of Green, Summit County, Ohio; *Draft Energy Generating Devices (non-commercial) as an Accessory Use Structure Resolution*, Homer Township, Medina County, Ohio; *Small or Distributed Wind Energy Systems* presentation by Glen A. Ginesi, NexGen Energy Partners, www.NexGen-EnergyPartners.com; *Industries Ready to Ride the Wind*, Akron Beacon Journal, January 11, 2010; *Air of Hope Whirls In*, Akron Beacon Journal, January 10, 2010; *Bowling Green Wind Farm Might Grow*, Akron Beacon Journal, January 10, 2010; *Turbine Manufacturer Cranks into Gear*, Akron Beacon Journal, January 11, 2010; *Wind Power to the People*, Medina Gazette, January 7, 2010. Ragnoni, *Vertical Axis Wind Turbines* presentation by V., and M. Townsley, Zoning Commission Meeting, Montville Township Administration Building, Medina, Ohio, 24 Feb. 2010.

1. 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.
2. The electricity shall be generated for the on-site consumption of the owner of the lot upon which the turbine is built.
3. Wind turbines (WECS) supported by guy wires are not permitted.
4. No wind turbines shall be located in the front or side yards.
5. All wind turbines shall be UL listed and comply with power company requirements.
6. Freestanding wind turbines shall not be installed or erected on a mound or base for the intention of siting the system higher than the natural grade and shall not exceed 160 feet from natural grade to the tip of the blade at its highest vertical position. See also Section 330.2 D.
7. 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 and shall be measured from the base of the tower and shall be free from all overhead transmission lines, public or private streets, above ground gas or oil storage or pumping facilities, property lines, and/or buildings meant for human occupation.
8. Signage identifying the manufacturer, owner, voltage and emergency contacts shall be posted on the wind turbine pole at eye level. Signage shall not exceed one (1) square foot and shall not require a permit. No other signage shall be allowed.

9. The sound pressure level produced by a wind turbine shall not exceed 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 wind 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. Sound examples:

Falling leaves	= 15 decibels
Whispering	= 25 decibels
Wind Turbines	= 45 decibels
Homes	= 55 decibels
Office noise	= 65 decibels
Inside car	= 85 decibels

10. During the location design phase, the owner shall anticipate possible shadow flicker on neighboring properties, and make reasonable efforts to reduce or remove the impact to human occupied structures.
11. Safety Standards include the following:
- a) Each wind 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.
 - b) 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-climb device installed on the tower; or the tower shall be completely enclosed by a locked, protective six (6) foot tall fence.
 - c) 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.
 - d) Transmission and power lines shall be placed underground and wiring from the turbine to ground level shall be within the monopole.
12. Wind turbines and components shall be painted or finished with a non-reflective unobtrusive color that blends into the surrounding landscape to the greatest extent possible.
13. Freestanding Wind Turbine Maintenance and Removal (Revised 4/21/11):
- a) The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines of the Montville Township Zoning Resolution.

- b) Upon failure to maintain or remove an inoperable wind turbine and in the event the turbine becomes a risk to the health, safety and welfare of the community, the procedures of Ohio Revised Code, Section 505.86 shall be followed.

14. Application Submittal Requirements:

- a) A Development Plan Review and Zoning Certificate shall be required for wind energy conversion systems in residential and commercial districts.
- b) Submittals shall include a development plan, a line drawing identifying the electrical components of the system, detailed specifications for the wind turbine to be installed, a property entry agreement providing Montville Township access to the site in the event that decommissioning is required, evidence that the applicant has communicated with the public utility company regarding interconnection to the utility grid.
- c) Development Plan Requirements shall be drawn to scale and clearly detail the following:
 - i. Information about the proposed site, including all parcels, property lines, dimensions of the site, acreage, parcel number(s), current zoning district and use.
 - ii. Indicate the location and dimensions of existing structures on the site, noting which are human-occupied structures and on adjoining property not owned by the applicant within 100 feet of the property lines in all directions.
 - iii. 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.
 - iv. Location of all above-ground utility lines, free-standing antennas, public and private streets, gas and oil storage and pumping facilities within the setback radius.
 - v. Indicate the property owner, mailing address, and physical address of the project.
 - vi. Include the make, model, picture/diagram of the wind turbine showing the height to the hub and to the top of the blade when extended to the highest point, a cutaway view illustrating the foundation, manufacturer's specifications, and decibel level of the unit.

- vii. Photographs of the turbine location, taken from the property lines and the setback locations.

M. Outdoor Wood-Fired Hydronic Heaters. (Effective 10/28/10)

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 health 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 Montville 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.

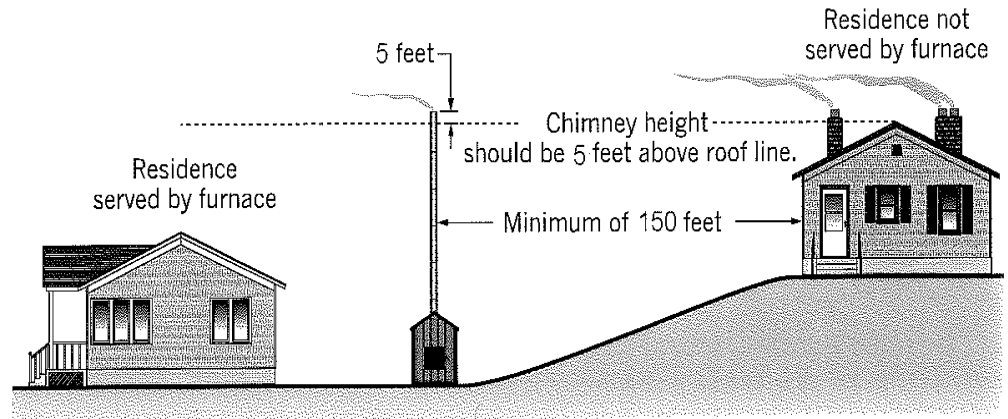
The following resources were used to establish the regulations for outdoor wood-fired Hydronic heaters:

Outdoor Wood Furnaces, Hearth, Patio & Barbecue Association, www.hpba.org; *Outdoor Wood Furnaces, Central Boiler*, www.centralboiler.com; *Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-115-Outdoor Wood-Fired Boilers*; Ohio Administrative Code (OAC) 745-19, *Open Burning Standards*; *Ohio EPA Draft Rules to Regulate Outdoor Wood-Fired Boilers*, Ohio Environmental Protection Agency, <http://www.epa.state.oh.us/dapc/regs/regs.html>; *Wood-Fired Boiler Rules*, Ohio Environmental Protection Agency, Division of Air Pollution Control; *Outdoor Wood Furnaces Ordinance*, City of Orville, Wayne County, Ohio; *Draft Alternative Energy Source Code*, City of Green, Summit County, Ohio; *Outdoor Wood Burning Stoves/Boilers*, presentation by Bonetta Guyette, R.S., Environmental Sanitarian II, Akron Regional Air Quality Management District, www.ci.akron,oh.us/health04.divisions.htm; *The Air You Breathe*, Volume 22, Issue 3, Akron Regional Air Quality Management District; *Outdoor Wood Burning Boilers, Is there reason for concern*, Bonetta Guyette R.S., Environmental Sanitarian II, Akron Regional Air Quality Management District; *Health Effects of Wood Smoke*, Washington State Department of Ecology; *Cleaner Burning Wood Stoves and Fireplaces, Basic Information*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/basic.html>; *Cleaner Burning Wood Stoves and Fireplaces, More Efficient, Cleaner Burning Fireplaces*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/fireplaces.html>; *Cleaner Burning Wood Stoves and Fireplaces, Health Effects of Wood Smoke*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/healtheffects.html>; *Cleaner Burning Wood Stoves and Fireplaces, For Air Quality Program Officials*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/programs.html>; *Cleaner Burning Wood Stoves and Fireplaces, Technical*

Information, United States Environmental Protection Agency,
<http://www.epa.gov/woodstoves/technical.html>.

1. 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 residential districts.
2. The OWHHs shall only service the principal building(s) and/or accessory building(s) upon the lot the unit is located.
3. OWHHs shall be installed in the rear yard only.
4. 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 OWHH Phase II program qualified model (or as may be amended by the EPA).
5. 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.
6. The use of any building, structure, or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Chapter 590, Nonconforming Uses, Buildings, Lots and Structures.
7. 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
8. 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.
9. The Township Zoning Inspector or designee may periodically inspect any Outdoor Wood-fired Hydronic Heater to assure that said OWHH is in compliance with the provisions of this Section at all times. The owner of any new OWHH shall produce the manufacturer's owners manual or installation instructions to the Township Zoning Inspector or his/her designee for review at any time, if requested.
10. All new OWHHs shall meet safety standards including UL, CAN/CSA, ANSI or other applicable safety standards.

11. OWHHs must comply with Medina County Building Department regulations (building, mechanical, electrical and heating) and Ohio EPA Air Pollution Control Division regulations, as well as any applicable State and Federal regulations.
12. Outdoor Wood-fired Hydronic Heaters shall be constructed, established, installed, operated and maintained pursuant to the following conditions:
 - a) 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.
 - b) The following fuels are specifically prohibited in any OWHH:
 - i. 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.
 - ii. Rubbish or garbage including but not limited to food wastes, food packaging or food wraps.
 - iii. Any plastic materials including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
 - iv. Rubber, including tires or other synthetic rubber-like products.
 - v. Newspaper (other than used in small quantities to start an initial fire in the burn chamber), cardboard, or any paper with ink dye products.
 - vi. Any other items not specifically allowed by the manufacturer or this Section.
 - c) Setbacks for any new Outdoor Wood-fired Hydronic Heater that are EPA OWHH Phase II Program qualified:
 - i. 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 fifteen (15) feet from any structure.
 - ii. 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.
 - iii. 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 \(HPBA\)](#)

- d) Chimney heights for any OWHH shall be as follows:
 - i. 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. See also Section 330.2 C.
 - e) 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.

Sec. 410.9 REGULATIONS FOR HOME OCCUPATIONS. (Revised 07/23/09)

The purpose of this Section is to set forth regulations that control the establishment and operation of home occupations. The intent is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted so that their existence is not detectable in any manner from the outside of the dwelling unit.

- A. The home occupation, including the storage of equipment, supplies or any apparatus related to the use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.
- B. Such use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes.
- C. Such use shall be conducted only by persons residing in the dwelling unit.
- D. The use shall not involve more than 33 % of the floor area of only one story of the dwelling unit.

- E. There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation.
- F. No equipment or process shall be permitted or used in such home occupation that creates a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes, or which is found unsafe by the County Board of Health. No equipment or process shall be used that creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.
- G. No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.

Sec. 410.10 FAMILY DAY CARE HOME, TYPE “B”.

This Zoning Resolution recognizes that the availability of safe and affordable, good-quality child day care is important to the well being of parents and children. Furthermore, it is the purpose of this Section to regulate the operation of child day care in a manner that preserves the residential character of neighborhoods, according to ORC 5104.054. (Effective 06/22/06)

Sec. 410.11 ADULT FAMILY HOMES AND FAMILY HOMES FOR HANDICAPPED PERSONS.

In compliance with ORC §3722.03 and ORC §5123.19 respectively, adult family homes and family homes for handicapped persons shall be permitted by right in any residential district provided each such home complies with the following regulations.

- A. The persons residing in an adult family home or family home for handicapped persons shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term “permanent residence” means:
 - 1. The resident intends to live at the dwelling on a continuing basis; and
 - 2. The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.
- B. There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the adult family home. (Effective 06/22/06)
- C. The facility and its staff shall be in full compliance with all applicable Federal, State and local laws and regulations, including facility licensure to begin and continue operation. Evidence of applications to State and Federal authorities shall be furnished with the zoning permit application (Effective 06/22/06). Failure to maintain such license, certification and any other approval requirements shall constitute a violation of this Zoning Resolution.

- D. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the family home for handicapped persons and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.

Sec. 410.12 REGULATIONS FOR MODEL HOMES.

A dwelling unit within an approved residential subdivision, Planned Residential Development (PRD) or Planned Neighborhood Development (PND) may be utilized as a model home to promote the sales of homes within the subdivision, PRD or PND until the subdivision, PRD or PND is 90% complete as defined herein. (Effective 06/22/06)

- A. The purpose of the model home is to provide a public showroom indicating the style/type of homes to be constructed within the specific residential subdivision, PRD or PND and to that end, may have within display maps, pictures, brochures, sample building materials, and information. Only one model home of each style/type shall be allowed per builder. (Effective 06/22/06)
- B. A sales office may be located within the model home.
- C. No sales trailers shall be allowed on site.
- D. Once the subdivision, PRD or PND is 90% complete, use of the dwelling unit as a model shall cease and the dwelling shall be listed for sale within 90 days. The subdivision, PRD or PND shall be considered 90% complete, when 90% of the approved units in the subdivision, PRD or PND have been sold. (Effective 06/22/06)

**CHAPTER 412
Planned Neighborhood Development Regulations**

412.1	Purpose.	412.7	Dwelling unit requirements.
412.2	Minimum criteria for establishing planned neighborhood developments.	412.8	Parking.
412.3	Permitted uses.	412.9	Street, drive and walkway requirements.
412.4	Density and unit type regulations.	412.10	Utilities, drainage and fire protection.
412.5	Open space requirements.	412.11	Owners associations.
412.6	Development and site planning standards.	412.12	Procedures for review of Planned Neighborhood Developments.

Sec. 412.1 PURPOSE.

The purpose of this Chapter is to establish provisions that enable coordinated Planned Neighborhood Developments in the R-1 Single-Family Low Density Residential District subject to the regulations and procedures set forth herein and in conformance with the provisions of ORC §519.021(C), which are in lieu of the standards set forth in Chapter 410, unless otherwise specified herein. Property owners in an R-1 District may choose to develop in conformance with these provisions when plans for such development are duly approved by the Township Trustees.

Development according to these regulations is intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services and utilities, provide an equitable mechanism for increasing public open space in the Township, encourage the construction of a variety of housing unit types and encourage innovation in the planning and building of developments by providing opportunities for creative design and planning of developments using more flexible zoning guidelines and site design criteria than permitted in traditional districts.

Sec. 412.2 MINIMUM CRITERIA FOR ESTABLISHING PLANNED NEIGHBORHOOD DEVELOPMENTS.

A Planned Neighborhood Development (PND) shall be established only when it complies with all of the following criteria:

- A. Each Planned Neighborhood Development shall be served by an approved public water supply system and an approved public sanitary sewer system.
- B. Each Planned Neighborhood Development shall have a minimum area of not less than 250 contiguous acres.
- C. Each Planned Neighborhood Development shall have access on a minimum of two (2) public streets, at least one (1) of which shall be a state highway.

- D. Each Planned Neighborhood Development shall abut existing commercially zoned land.
- E. Submission of a General Development Plan for the entire Planned Neighborhood Development project shall be required. Once a General Development Plan is approved, subsequent development of the property shall be done only in substantial compliance to the approved General Development Plan.

Sec. 412.3 PERMITTED USES.

Within a Planned Neighborhood Development, no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the uses specifically enumerated below and further provided that each such use is identified on and approved as part of the development plan.

A. Principal Uses:

- 1. Detached single-family dwelling. (Revised 9/27/18)
- 2. Detached cluster single-family dwelling.
- 3. Attached single-family dwellings, provided that not more than four (4) such dwelling units shall be attached in any single building.
- 4. Public or private parks and recreation facilities, including club houses, swimming pools, and tennis courts.

B. Accessory Uses:

- 1. Detached garages.
- 2. Common and/or guest parking areas.
- 3. Accessory buildings subject to Sec. 410.8 or as established by the Township Trustees as part of the Final Development Plan approval.
- 4. Wind Energy Conversion Systems as regulated by Section 410.8 L. (Effective 10/28/10)
- 5. Outdoor Wood-fired Hydronic Heaters as regulated by Section 410.8 M. (Effective 10/28/10)
- 6. Signs as regulated by Chapter 510.

C. Additional Uses in R-1 District. Any other use permitted in an R-1 District as set forth in Sec. 410.3 when authorized by the Township Trustees.

Sec. 412.4 DENSITY AND UNIT TYPE REGULATIONS.

The number and mixture of dwelling units included in a Planned Neighborhood Development shall comply with the following:

A. Maximum Density.

1. The maximum density of dwelling units shall be as set forth on the approved development plan, but shall in no case be greater than 0.8 dwelling units per gross acre of the Planned Neighborhood Development, except as otherwise permitted.
2. A density bonus of .02 dwelling units per gross acre of the Planned Neighborhood Development may be authorized by the Township Trustees when the applicant offers for public dedication a minimum of 15% of the total land area of the Planned Neighborhood Development.
 - (a) The Township Trustees shall evaluate the proposed Planned Neighborhood Development, the land area designated as restricted open space in compliance with Sec. 412.5, and that portion of the restricted open space that is offered for public dedication in light of the Township's recreational needs.
 - (b) The Township Trustees shall determine if the land offered is of sufficient size and shape, is properly located and has adequate access to provide for the Township's public open space and recreational needs.
 - (c) If the Township Trustees agree to accept the land, the land area shall be dedicated to the Township as public land as defined in Chapter 210 of the Montville Township Zoning Resolution.
 - (d) Such dedicated public lands shall be included in the total open space calculation for the purposes of complying with Subsection 412.5A.
 - (e) The area for public dedication shall be shown and marked on the General Plan and Final Plan as "Reserved for Public Use".

B. Mixture Dwelling Unit Types. Each Planned Neighborhood Development shall contain a mixture of dwelling unit types and styles in order to provide a variety of housing opportunities in conformance with the following:

1. The number of attached single-family dwellings shall not exceed 35% of the total number of dwelling units within the Planned Neighborhood Development.

2. A minimum of 15% of the total number of dwelling units within the Planned Neighborhood Development shall be designed for and allocated as senior housing.

Sec. 412.5 OPEN SPACE REQUIREMENTS.

A portion of the total project area shall be devoted to open space in compliance with the minimum requirement set forth in this Section.

- A. Area Requirement. Open space and recreation areas shall be as set forth on the final approved development plan, provided the land area designated for open space and recreational use shall not be less than 30% of the total land area of the Planned Neighborhood Development.
- B. Such land shall be designated as restricted open space and shall be located and designed to be integrally related to the overall design of the development and to be accessible and beneficial to the residents of the Planned Neighborhood Development, except for any portion of the restricted open space that is to be dedicated as public open space, and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.
- C. Restrictions. Land areas devoted to streets, drives, parking areas, right-of-ways, required setbacks from streets and right-of-ways, required spacing between buildings, and areas within individual lots shall not be considered open space for the purpose of meeting the minimum area requirements set forth in Sec. 412.5 A above, except as otherwise permitted below:
 1. Open space within required buffers and or setbacks from the Planned Neighborhood Development project boundaries may be counted as restricted open space, as determined by the Township.
 2. Parking areas, drive aisles and other similar features may be counted as part of the restricted open space requirement or public land dedication when they serve a recreation use and/or public land area(s), as determined by the Township.

Sec. 412.6 DEVELOPMENT AND SITE PLANNING STANDARDS.

The following specific development standards shall be adhered to in the design and layout of a Planned Neighborhood Development.

- A. Lot Requirements.
 1. Dwelling units within a Planned Neighborhood Development may be on individual lots, de minimis lots, and/or part of a condominium arrangement in accordance with Chapter 5311 of the Ohio Revised Code.

2. Where lots are established within a Planned Neighborhood Development, the minimum sizes of said lots shall be as established on the development plan and as approved by the Township Trustees.
 3. The applicant shall depict on the development plan all individual lots, de minimis lots and the maximum parameters, or building envelopes, that indicate where buildings in condominium arrangements will be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this Section.
- B. Maximum Height. No building or structure shall exceed two (2) stories or 35 feet in height except as specifically authorized by the Township Trustees.
- C. Minimum Setbacks and Separations. Setbacks and separations for buildings, structures and parking areas shall be as established on the approved final development plan. In establishing said setbacks and separations for each particular Planned Neighborhood Development, the Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no case shall the approved setbacks and/or separations be less than the following:
1. No building, structure, or parking area shall be located closer than 50 feet to any project boundary line of the Planned Neighborhood Development.
 2. No building or structure shall be located closer than 40 feet to any new public street right-of-way constructed as part of the Planned Neighborhood Development.
 3. No building or structure shall be located closer than 25 feet to the edge of pavement of any private street.
 4. The minimum distance between buildings when there are either no individual lots or de minimis lots shall be 15 feet side to side, 30 feet rear to rear and 30 feet side to rear.
 5. The minimum distance between the lot lines of de minimis lots shall be 15 feet side to side, 30 feet rear to rear and 30 feet side to rear. There shall be no building setback requirement on de minimis lots.
 6. On individual building lots, other than de minimis lots, created as part of a Planned Neighborhood Development, the minimum setbacks shall be as follows:

- a) The minimum setback from any side lot line shall be equal to not less than 10% of the lot width measured at the building line.
- b) The minimum setback from any rear lot line shall be 25 feet.

7. Riparian and wetland setbacks pursuant to Chapter 570. (Revised 12/24/09)

D. Required Landscaping and Buffers.

- 1. All disturbed areas within a Planned Neighborhood Development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscape plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.
- 2. Screening and buffering shall be provided within the required setback from existing right-of-ways. Where existing vegetation is inadequate to provide an appropriate buffer, as determined by the Township Trustees, supplemental landscaping shall be provided to create an adequate screen. Said landscape improvements may include mounding and/or screen wall or fences if approved as part of the landscape plan.
- 3. Buffers may be required within setbacks from adjoining properties where the Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts.

Sec. 412.7 DWELLING UNIT REQUIREMENTS.

Each dwelling unit within a Planned Neighborhood Development shall comply with the minimum floor area for dwelling units and siting requirements set forth in Sec. 410.7. (Revised 09/10/09)

Sec. 412.8 PARKING.

Off-street parking shall be provided in conformance with Chapter 520. (Revised 5/28/09)

Sec. 412.9 STREET, DRIVE AND WALKWAY REQUIREMENTS.

- A. All Planned Neighborhood Developments shall be designed to provide access for proposed uses internally within the development and to minimize access points and intersections onto existing public streets.
- B. Each building or use within a Planned Neighborhood Development shall have access to either a public or private street internal to the development in a manner approved by the Township Trustees and said access shall be clearly defined on the development plan. No building or use shall have driveway access directly to an existing public street.
- C. All public and private streets within a Planned Neighborhood Development shall be designed and constructed in accordance with the standards and specifications of the Engineering Code for Subdivision Development of Medina County.
- D. Planned Neighborhood Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
- E. Street identification signs and traffic control devices shall be provided and installed by the developer as directed by the Township in accordance with the standards of the Medina County Engineer and the Ohio Department of Transportation for such devices.
- F. Uniform mailboxes with a breakaway design shall be provided.
- G. Whenever a private street or a private walkway is included in a Planned Neighborhood Development, such private street and/or private walkways shall be clearly identified as such on the final development plan. When constructed, all private streets and private walkways shall be clearly marked with signage identifying them as private facilities. The maintenance and repair of said streets and walkways and all associated signs shall be the responsibility of the owners association. Deed restrictions shall be required and shall specifically include the following language:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated private street or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street or common drive.”

Sec. 412.10 UTILITIES, DRAINAGE, FIRE PROTECTION.

- A. All utilities shall be located underground, except that utility appurtenances may be constructed above ground as approved by the Township Trustees as part of the development plan approval.
- B. Planned Neighborhood Developments shall provide for storm water management and erosion and sedimentation control in accordance with the provisions of the Medina County Subdivision Regulations. Plans for stormwater management and erosion and sediment control shall be subject to the review and approval of the Medina County Engineer and the Soil and Water Conservation District in addition to the Township.
- C. All Planned Neighborhood Developments shall make provisions for fire protection, which shall include the installation of fire hydrants on all streets, whether public or private. The distance between hydrants, type of hydrant and control valves shall be as approved by the Medina City Fire Chief and the Medina County Sanitary Engineer. Water lines serving fire hydrants shall meet the minimum size requirements of the Medina County Sanitary Engineer and the Medina City Fire Chief.

Sec. 412.11 OWNERS ASSOCIATIONS.

As part of a Planned Neighborhood Development, a homeowners association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including the required -restricted open space, vegetative buffers, fences, ponds, parking areas and all private streets and private walkways, when provided.

- A. The Association shall have a perpetual maintenance plan for all common areas. The perpetual maintenance plan shall set forth responsibility for maintenance of all such common areas and shall describe the method of financing such maintenance program. Such maintenance plan shall be a part of the association's bylaws or code of regulations.
- B. The Township shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following:
 - 1. Membership in the Association shall be mandatory for all purchasers of units in the development.
 - 2. The Association shall be responsible for maintenance, control, and insurance of common areas, including private roads and common drives.

- C. Common areas shall be prohibited from further development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township.
- D. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without (i) an affirmative vote of 60% of its members, (ii) having established a successor entity to take over said property pursuant to the Township's zoning resolution; and (iii) the approval of the Township Trustees.
- E. The Association bylaws or code of regulations shall identify Montville Township as a beneficial party thereto with rights, but no obligation to enforce the provisions contained therein related to common areas. The bylaws or code of regulations shall convey to the Township and other appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the township shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.
- F. Such association shall submit to the Township Zoning Office annually a current list of association officers.
- G. The Association's bylaws or code of regulations shall become part of the development plan and development agreement and shall be placed on record with the Medina County Recorder as a covenant on the land within the Planned Neighborhood Development. A certified copy of all such by-laws or code of regulations filed with the Medina County Recorder's Office shall be submitted to the Township Zoning Office in compliance with Chapter 320, Section 320.7.
- H. Whenever a homeowners' association, community association, condominium association, declarant, or similar legal entity amends its bylaws or code of regulations, such amendment shall be submitted to the Montville Township Zoning Office for review and approval by legal counsel of issues regulated by the Montville Township Zoning Resolution prior to the amendment being filed with the Medina County Recorder's Office. Failure to obtain approval of such amendment shall be deemed a violation of this Zoning Resolution. Once an amendment is approved by the Township's legal counsel and filed with the Medina County Recorder's Office, a certified copy shall be submitted to the Zoning Office in accordance with Chapter 320, General Provisions, Section 320.8. (Revised 01/12/17)

Sec. 412.12 PROCEDURES FOR REVIEW OF PLANNED NEIGHBORHOOD DEVELOPMENTS

- A. Application Requirements. Property owners who wish to develop their land as a Planned Neighborhood Development shall make application for approval pursuant to this Section. Applications for such proposed Planned Neighborhood Development shall be heard and action taken in accordance with these provisions.

- B. Pre-Application Meeting. Prior to the submission of an application and development plan for a Planned Neighborhood Development, applicants shall notify the Zoning Inspector of their intent to file and shall request to be scheduled on the next available meeting agenda of the Township Trustees. The Zoning Inspector shall notify the Zoning Commission of such application and the date of appearance before the Township Trustees. The applicant shall appear before the Township Trustees and shall present a sketch or concept plan (Effective June 22, 2006) of the proposed Planned Neighborhood Development. The purpose of this pre-application meeting is to discuss the criteria and standards contained herein, familiarize the applicant with the Township’s Comprehensive Plan, development policies, recreation needs, and plan approval process, review the applicant’s proposed general approach to development of the site, including the land area to be set aside as restricted open space and any proposed site(s) for public land dedication.

- C. Application and General Development Plan Submission. Subsequent to the pre-application meeting with the Township Trustees, each applicant for a Planned Neighborhood Development shall submit an application for General Development Plan review to the Zoning Inspector. An application shall be made at least 30 days in advance of the meeting at which said application is to be considered and shall include the number of copies required by the Zoning Office of the following minimum information:
 - 1. A General Development Plan conforming to the requirements of Subsection D below.
 - 2. Information regarding the nature, distribution, and volume of vehicular traffic projected to be generated by the proposed development and the capacity of the existing roadways to accommodate that traffic.
 - 3. Verification of the availability of adequate treatment and transmission capacities to meet the projected needs.
 - 4. Information regarding the applicant’s proposed standards for development and future use of the Planned Neighborhood Development including the intended method of providing for ownership, perpetual maintenance responsibility and financing for all common areas including but not limited to

restricted open space, recreation facilities, common parking areas, and private streets.

5. Fees and deposits in conformance with the provision of Subsection K.

D. General Development Plan Requirements. Each General Development Plan shall include the entire Planned Neighborhood Development, be drawn to scale, and shall include, at a minimum, the following data:

1. The name of the development, the name of the owner or developer, north arrow, date and scale;
2. The owners and zoning classification of adjoining parcels;
3. A boundary survey;
4. Existing topography and proposed finished grade with a maximum two-foot (2') contour interval;
5. Proposed building locations;
6. Location of all minimum building setbacks;
7. Vehicular and pedestrian circulation plans;
8. All off-street parking areas indicating the number of parking spaces provided and the number required;
9. A storm drainage plan, including preliminary arrangements for storm detention facilities;
10. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants;
11. All existing and proposed sanitary sewer facilities;
12. Location and size of land to be counted as restricted open space and recreation areas, with any land to be dedicated as public land, and any proposed improvements to the recreation areas and or public lands.
13. General concept plans for landscaping and buffering;
14. A site lighting plan indicating placement, heights, and types of lighting fixtures and details of resulting levels of illumination;
15. The location, size and design of all signs to be placed in the Planned Neighborhood Development;

16. The location, width, names, and grades of existing and proposed streets;
 17. Typical sections for all proposed streets;
 18. Proposed phases if the project is to be developed in stages;
 19. The location and sizes of all proposed lots; and
 20. A summary table showing the total acres of the proposed development, the number of acres devoted to restricted open space, streets, and contained within lots, and the number of dwelling units by type.
- E. Zoning Commission Review of General Development Plans. Upon receipt of a complete application for General Development Plan approval, the Zoning Inspector shall forward copies to the Zoning Commission:
1. Distribution of Plans. The Zoning Commission may distribute the application for review and comment to regulatory agencies that have statutory authority and to appropriate professional consultants retained by the Township. The applicant shall pay the cost of review by the consultant. All reports or comments prepared by such agencies or individuals shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission
 2. Zoning Commission Review. The Zoning Commission shall review the proposed plan and any submitted reports or comments at their next meeting occurring at least 30 days subsequent to filing of the complete application, at which time the applicant shall be provided an opportunity to present the proposed Planned Neighborhood Development. The Zoning Commission shall review each application and plan and shall determine if the plan complies with the applicable requirements of this Zoning Resolution and the review criteria set forth in Section G.
 3. Zoning Commission Recommendation to Trustees. The Zoning Commission shall make a recommendation to the Trustees that:
 - a) The General Development Plan be approved as submitted;
 - b) The General Development Plan be approved as modified by the Zoning Commission as the Commission may deem reasonable or necessary; or
 - c) The General Development Plan be denied.

- F. Trustee's Review of General Development Plan.
1. Review at Meeting. Upon receipt of the recommendation from the Zoning Commission, the Trustees shall schedule the application to be heard at their next general meeting, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.
 2. Action by Trustees. Within 20 days after the meeting required by Subsection F.1. above, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Trustees authorize a density bonus according to Sec. 412.4A.2. the Trustees shall provisionally accept the land for public dedication subject to compliance with all conditions set forth in the general development plan approval.
 3. Conditions for Approval. The Township Trustees in their approval of a General Development Plan may attach such conditions to the approval of a General Development Plan as may be reasonably required by the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and consistent with the implementation of comprehensive, strategic, or area plans adopted by the Township.
- G. Review Criteria for General Development Plans. When reviewing an application for a Planned Neighborhood Development, the Township Zoning Commission and Township Trustees shall, but are not limited to, consider the following characteristics of the proposed development.
1. The comprehensive nature and design of the General Development Plan, including appropriate design of the physical, aesthetic, and economic relationships among its parts;
 2. The anticipated effects of the proposed development upon the Township and upon adjoining and proximate neighbors and properties, including the impacts of traffic, storm water, noise, lighting, utilities, aesthetic values and other impacts;
 3. The adequacy of existing and planned roads, drives, and parking areas to meet the projected demand for such facilities and to integrate with existing and planned facilities in the Township;
 4. The suitability of the location, dimensions, access to streets and utilities of each proposed dwelling unit;
 5. The adequacy of utilities to serve the proposed development and the suitability of the proposed utility design;

6. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site;
 7. The availability of, access to, and development of recreation and open space sites and facilities;
 8. The nature and extent of proposed landscaping, existing vegetation and landform to be retained, and of proposed screening and buffering, particularly perimeter buffer;
 9. The suitability and acceptability of, and township's need for proposed public lands, and any proposed improvements to the public lands;
 10. The suitability of the proposed separations between buildings, including any proposed setbacks or yards;
 11. The suitability of the total acreage and total floor area proposed for each type of dwelling unit, and the number and bulk of buildings proposed; and
 12. The suitability of proposed association agreements, deed restrictions, protective covenants, and other legal statements or devices intended to provide for the future use, ownership, operation and maintenance of areas of the Planned Neighborhood Development and its improvements.
- H. Compliance Required. Subsequent to the approval of a General Development Plan for a Planned Neighborhood Development, all subdivision plats, site plans, building permits, zoning certificates, and other plans for improvements and any development or construction within the Planned Neighborhood Development shall be in substantial compliance with the approved General Development Plan and any conditions of such approval adopted by the Township in the approval of the General Development Plan. Any departure from the approved General Development Plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for Zoning Certificate, development or construction is not in compliance with the General Development Plan, the Zoning Inspector shall take appropriate action as authorized by the Zoning Resolution to compel compliance.

I. Submission of Final Site Plans and Subdivisions Plats.

1. After a General Development Plan has been approved for the entire project, the applicant may develop the project in phases.
2. Any Planned Neighborhood Development that includes land to be dedicated for public open space shall include in the first phase for Final Site Plan review a subdivision plat for the land for public dedication. No zoning certificate shall be issued for any structure in a Planned Neighborhood Development until title of the land for public dedication has transferred to the Township.
3. Portions or phases of the Planned Neighborhood Development intended to include individual lots shall make application for approval in conformance with the Medina County Subdivision Regulations provided, however, that each such plan shall first be submitted to the Township to determine compliance with the General Development Plan approved for the Planned Neighborhood Development.
4. Final Site Plans for the phases of a Planned Neighborhood Development that include single-family detached cluster dwellings, single-family attached cluster dwellings, and/or non-residential uses shall be submitted and reviewed pursuant to the provisions of Chapter 720 of this Zoning Resolution.

J. Professional Assistance. Based on the extent and complexity of applications for Planned Neighborhood Developments, the Township Zoning Commission or Township Trustees may decide to obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, architects, and attorneys. When the Township determines such studies or expert advice are necessary to evaluate a proposed Planned Neighborhood Development, the Township shall advise the applicant of the need for such studies and provide an estimate of the anticipated costs. In the event the cost of such studies exceeds the amount of the initial estimate, the Township shall notify the applicant, and the applicant, upon such notification, shall immediately deposit with the Township sufficient funds to pay for such studies or review assistance.

K. Fees and Deposits.

1. All applications for General Development Plan review shall be accompanied by a non-refundable fee in an amount set forth in the fee schedule as established from time to time by the Township Trustees.
2. All applications for General Development Plan review shall also be accompanied by a cash deposit for professional consultant services in an amount determined by the Township Trustees. Any balance of unused funds

shall be refunded to the applicant within 60 days of the Township's final action on the General Development Plan application.

- L. Waivers. Waivers may be granted by the Township Trustees only when it determines that certain standards set forth in this Chapter do not or should not apply specifically to the circumstances of a particular Planned Neighborhood Development and when the alternative method proposed to achieve the objectives of the numerical standard is equal to or better than the strict application of the specified standard. The Township Trustees may modify such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Chapter. A waiver shall only be considered and approved by the Township Trustees during the review of development plans for the Planned neighborhood Development.

Note: Section 412.6 E. Resource Protection Regulations
Removed: Effective 12/24/09

**CHAPTER 414
Planned Residential Development Regulations**

414.1	Purpose.	414.8	Supplemental regulations for conservation planned residential developments.
414.2	Establishment of conservation and controlled density planned residential developments.	414.9	Supplemental regulations for controlled density planned residential development.
414.3	Approval of planned residential developments.	414.10	Development and site planning standards.
414.4	Minimum project area.	414.11	Dwelling unit requirements.
414.5	Dwelling types.	414.12	Street, drive and walkway requirements.
414.6	Density and open space regulations.	414.13	Owners associations.
414.7	Restricted open space requirements.	414.14	Phased development.
		414.15	Plan approval.

Sec. 414.1 PURPOSE.

These Planned Residential Development (PRD) regulations are established in order to encourage and accommodate, in a unified project, creative and imaginative Planned Residential Developments. It is intended that PRDs will utilize innovations in the technology of land development that are in the best interests of the Township, which encourages the rural and suburban nature of Montville Township, and which are consistent with the residential objectives in the most current Montville Township Comprehensive Plan to preserve sensitive natural areas that contribute to the character of Montville Township. In order to accomplish this purpose, these regulations provide for a variety of dwelling types, including single-family detached, clustered, and attached single-family units. (Revised November 7, 2019)

These regulations are designed to achieve, among others, the following objectives:

- A. To allow flexible residential development on larger sites, especially sites that have natural features such as wetlands, natural lakes, ponds, marshes, steep slopes, rock outcroppings, floodplains and larger wooded areas, which contribute to the character of Montville Township in order to preserve these natural features.
- B. To promote economical and efficient use of land and reduce infrastructure costs through unified development.
- C. To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting residential areas while preserving the rural and suburban nature of Montville Township. (Revised November 7, 2019)

- D. To minimize the impact of new development by reducing curb cuts onto major thoroughfares and collector streets.
- E. To ensure that Planned Residential Developments are compatible with surrounding single-family neighborhoods and comply with these objectives by requiring the submission of development plans and establishing a review process, authorized by Section 519.021 of the Ohio Revised Code, to ensure that all developments are consistent with the regulations.

Sec. 414.2 ESTABLISHMENT OF CONSERVATION AND CONTROLLED DENSITY PLANNED RESIDENTIAL DEVELOPMENTS.

The types of PRDs, and the districts in which they are permitted, have been broken down into two categories as set forth below. Where distinctions in the PRD regulations are needed based on the type of PRD permitted, such distinctions shall be identified in the applicable sections of this Chapter.

- A. Conservation PRDs: Conservation PRDs shall be permitted in R-R Districts, the objective of which is to conserve significant areas of open space, preserve the quality of ruralness, and maximize protection of the community's natural features.
- B. Controlled Density PRDs: Controlled Density PRDs shall be permitted in R-1, R-2, and R-3 Districts, the objective of which is to provide alternative housing types and the preservation of open space through the flexible arrangement of buildings in a unified development and to preserve the rural and suburban quality of the community. (Revised September 27, 2007 and November 7, 2019)

Sec. 414.3 APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENTS.

In addition to the general review procedures for development plans, the Zoning Commission shall review a proposed PRD to ensure that:

- A. Buildings and uses within the proposed development are located so as to reduce any adverse influences on and to protect the residential character of areas adjacent to the development;
- B. Significant buffer zones with adequate landscaping are provided between the proposed development and adjacent residential areas;
- C. The bulk and height of buildings within the proposed development are compatible with the surrounding development;
- D. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion;

- E. The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the residential character of areas adjacent to the development;
- F. The proposed landscaping is appropriate for the site and provides all season color through the use of deciduous and coniferous trees, shrubs and perennials.

Sec. 414.4 MINIMUM PROJECT AREA.

- A. The area proposed to be developed as a PRD shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PRD boundaries. The gross area of a tract of land in a PRD shall be:
 - 1. Conservation PRD: 50 acres in an R-R District.
 - 2. Controlled Density PRD:
 - a) 50 acres in the R-1 District
 - b) 40 acres in the R-2 District
 - c) 40 acres in the R-3 District (Effective September 27, 2007)

Sec. 414.5 DWELLING TYPES.

The types of dwelling units that may be included as part of a PRD are listed below in Schedule 414.5, and are noted by the letter “X” for the district in which the PRD is located.

Schedule 414.5 (Revised 09/27/07; 01/12/17; 09/27/18)

	Conservation PRD	Controlled Density PRD		
	R-R	R-1	R-2	R-3
A. Detached single-family dwelling	X	X	X	X
B. Detached cluster single-family dwelling	X	X	X	X
C. Attached single-family dwellings with not more than 2 units attached in one building	--	--	X	X
D. Attached single-family dwellings with not more than 5 units attached in one building.	--	--	--	X
-- Unit type not permitted.				

Sec. 414.6 DENSITY AND OPEN SPACE REGULATIONS.

The number of dwelling units permitted and the amount of restricted open space provided as part of any PRD shall comply with the following:

- A. Maximum Gross Density. The gross density of a PRD shall not exceed the maximum number of dwelling units per acre set forth below in Schedule 414.6 for the district in which the PRD is located. The maximum number of dwelling units permitted for a particular site shall be calculated by:
 - 1. Deducting the following from the total project area:
 - (a) Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
 - (b) The area of land that is within a floodway, designated wetland or existing water body that exceeds the minimum acreage required for restricted open space as set forth in Schedule 414.6. Where floodways, wetlands, and/or water bodies overlap, they shall be counted only once.
 - 2. Multiplying the result of subsection 1 by the maximum number of dwelling units set forth in Schedule 414.6.
- B. Maximum Net Density – On Any One Acre. The number of units permitted on any one acre of the site shall not exceed the net density set forth below in Schedule 414.6. An imaginary square, approximately 209 feet by 209 feet, shall be used to determine if any one acre possesses more than the maximum net density permitted in Schedule 414.6. This number shall be determined by the number of full units and the total of the partial units added together to meet the allowed number of units. (Revised 09/27/07; 01/12/17)
- C. Minimum Restricted Open Space. A portion of the total project area shall be devoted to restricted open space in compliance with the minimum requirement set forth below in Schedule 414.6 and as further required in Sec. 414.7.

D. Schedule 414.6: (Revised September 27, 2007 and November 7, 2019)

	Conservation PRD	Controlled Density PRD		
	R-R	R-1	R-2	R-3
1. Maximum gross density	0.25	0.6	1.2	2.8
2. Maximum net density on any one acre				
a) Single-family units	0.5	2	3	4
b) Attached units	--	--	4	6
3. Minimum restricted open space	50%	35%	35%	35%

Sec. 414.7 RESTRICTED OPEN SPACE REQUIREMENTS.

A. General Standards. The restricted open space in any PRD shall comply with the following:

1. Restricted open space shall be designed and located to conserve significant natural features and historical and/or cultural elements located on the site.
2. Areas designated for restricted open space purposes may be:
 - a) Preserved in its natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented area;
 - b) Used for outdoor active or passive recreation. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Zoning Commission. Where deemed appropriate by the Zoning Commission, recreation areas shall be provided with appropriate parking and access;
 - i. The Zoning Commission, at its discretion, may consider requests by developers to alterations in the open space calculations for useable land abutting existing Montville Township parks and/or Medina County Parks that will be utilized for public outdoor active and/or public passive recreation. (Effective November 7, 2019)
 - c) Utilized for farming when authorized in a conservation easement or in the Association’s covenants and restrictions.

- d) The Zoning Commission, at its discretion, may consider requests made by developers to alter the open space calculations when useable land is donated to and accepted by a governmental entity for governmental purposes/uses. (Effective November 7, 2019)
3. Restricted open space shall be interconnected with restricted open space areas on abutting parcels.
4. Restricted open space shall not be less than 50 feet in width at any point.
5. Restricted open space must be geographically disbursed throughout the development. (Effective November 7, 2019)
6. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
 - a) Private roads and public rights-of-way;
 - b) Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Zoning Commission when providing access to the restricted open space;
 - c) Required setbacks for buildings and parking areas from the project boundaries and streets, unless the required setback is contiguous to and part of a larger area of restricted open space.
 - d) Required spacing between buildings and between buildings and parking areas;
 - e) Private yards within subdivided lots; and
 - f) A minimum of 15 feet between buildings and restricted open space.
7. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site. At a minimum, any disturbed area within the restricted open space shall be landscaped no later than when 35% of the dwelling units included in the phase in which the restricted area was disturbed are constructed.
8. Such restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan. If the project is to be developed in phases, the phase(s) in which such facilities will be started and completed shall be indicated on the phasing plan. At a minimum, construction of any proposed recreation facilities shall begin no later than when 35% of the residential units in that phase have been completed. (Revised November 7, 2019)

- B. Prohibition of Further Subdivision of Restricted Open Space. Restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of Medina County.
- C. Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above, restricted open space may be owned by an association, the Township, a land trust or other conservation organization recognized by the Township.

Sec. 414.8 SUPPLEMENTAL REGULATIONS FOR CONSERVATION PRDS.

Conservation PRDs shall be further regulated as follows:

- A. On-Site Systems Located in Restricted Open Space Areas. Sewage service, stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas when such facilities are so located and developed in a manner consistent with the purposes and requirements of the restricted open space and as further regulated by the Medina County Health Department. Any system or portion of system placed in the restricted open space shall be individual systems located in easements that enable the individual owner to conduct proper maintenance of the system.
- B. Development Design Criteria. The area chosen to be set aside as the restricted open space shall achieve, to the maximum extent practicable, the following design criteria. In some cases it may not be possible to achieve all of these criteria, therefore the Township Zoning Commission shall consider the extent to which the project is designed so that:
 - 1. The design and layout of the development conserves and incorporates existing wooded areas, meadows, and hedgerows or treelines between fields or meadows, especially those containing significant wildlife habitats.
 - 2. Riparian and wetland setbacks have been provided pursuant to Chapter 570. (Revised 12/24/09)
 - 3. The development plan avoids alteration of or construction within natural drainage ways and utilizes low impact storm water management techniques such as grassy swales to the practicable extent possible.
 - 4. Steep slopes are protected from clearing, grading, filling, or construction.
 - 5. Structures are located to ensure that scenic views and vistas are unblocked or uninterrupted, particularly as seen from existing and proposed public thoroughfares.

6. Protection is provided for wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources.
7. Sites of historic, archaeological, or cultural value and their environs are protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

Sec. 414.9 SUPPLEMENTAL REGULATIONS FOR CONTROLLED DENSITY PRDS.

- A. Each use and all dwelling units in a controlled density PRD shall be served by central water and sanitary sewer facilities, underground utilities, and cable TV.
- B. In R-1 and R-2 districts, the maximum percentage of single-family attached units shall not exceed 35% of the total dwelling units permitted in the controlled density development. (Revised September 27, 2007)
- C. In R-3 districts the single-family attached units shall not exceed 60% of the total dwelling units permitted in the controlled density development. (Effective September 27, 2007)

Sec. 414.10 DEVELOPMENT REGULATIONS FOR CONTROLLED DENSITY PRDS (Revised 12/24/09)

The following specific development standards shall be adhered to in the design and layout of any PRD.

- A. Minimum Setbacks. All buildings, structures and parking areas shall comply with the minimum setbacks set forth in Schedule 414.10 below.
- B. Minimum Spacing Between Buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by the minimum spacing set forth in Schedule 414.10. These distances may be reduced when the Zoning Commission finds that adequate landscaping and screening is provided to ensure privacy between units. The following definitions shall apply to terms used in this Section.
 1. Front Wall. The outside wall of a building that contains the primary entrance to the unit and the windows of any living, family or dining room

- 2. **Rear Wall.** The outside wall of a building that contains the primary and/or other windows of any living, family or dining room but not the primary entrance to the unit.
- 3. **Side Wall.** An outside wall that is not a front wall or rear wall of a building, which may be blank or contain windows not considered to be primary windows.

C. Schedule 414.10. Minimum Setback and Spacing Requirements. (Rev. 9/27/07; and 11/7/19)

	Conservation PRD	Controlled Density PRD		
	R-R	R-1	R-2	R-3
1. Setback from existing public street right-of-way	70 ft.	70 ft.	50 ft.	50 ft.
2. Setback from project boundary, other than a public street	70 ft.	50 ft.	50 ft.	50 ft.
3. Setback from interior street:				
a) Public right-of-way	40 ft.	40 ft.	40 ft.	40 ft.
b) Private street pavement	25 ft.	25 ft.	25 ft.	25 ft.
4. Spacing between buildings:				
a) Between 2 front walls	60 ft.	50 ft.	40 ft.	30 ft.
b) Between 2 side walls	30 ft. ^(a)	20 ft. ^(b)	15 ft. ^(b)	15 ft. ^(b)
c) Between a side wall and a front or rear wall	45 ft.	35 ft.	25 ft.	25 ft.
d) Between 2 rear walls	60 ft.	50 ft.	40 ft.	30 ft.
^(a) 10 ft. minimum clearance from lot line (Effective June 22, 2006)				
^(b) 5 ft. minimum clearance from lot line (Effective June 22, 2006)				

D. Minimum Setback for Interior Streets. Interior streets shall be located a minimum of 20 feet from a PRD boundary, except as necessary to traverse this required setback to provide access to an existing public street right-of-way.

E. Lot Requirements.

- 1. Ownership of land for standard single-family dwellings and under each detached cluster single-family or attached dwelling unit is permitted. There

shall be no area dimensions required for lots, however each shall be of sufficient size and shape to accommodate a dwelling unit in compliance with the spacing requirements of this Section. All land not individually owned shall be designated as common area and controlled by the association as set forth in Sec. 414.13.

2. The applicant shall depict on the development plan all lots and the maximum parameters, or building envelopes that indicate where buildings will be located, and shall demonstrate that such building location will be in compliance with the spacing requirements of this Section.

- F. Required Buffer. All PRDs, attached and/or detached, must provide and maintain a minimum 50-foot open space buffer between sublots/envelopes and the project boundary line and shall be landscaped in accordance with Chapter 530. (Revised 09/27/07; 07/23/09 and 11/7/19)

Sec. 414.11 DWELLING UNIT REQUIREMENTS.

Each dwelling unit shall comply with the minimum floor area for single-family dwelling units and siting requirements, accessory use regulations, and other regulations pertaining to single-family dwellings set forth in Sections 410.7 through 410.11. Accessory buildings are not permitted in cluster home areas. (Effective June 22, 2006)

Sec. 414.12 STREET, DRIVE AND WALKWAY REQUIREMENTS.

- A. General Street and Drive Design Criteria.

1. The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
2. Street alignments should follow natural contours and be designed to conserve natural features.
3. The locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
4. A street shall be required to be a public, dedicated street when such street:
 - a) Provides access to detached single-family dwellings on subdivided lots.
 - b) Is a major street that connects two existing public streets and which is intended to provide a future continuing street system beyond the project boundaries, or is expected to accommodate pass-through

traffic going to and from adjacent developments. However, such through streets shall not be permitted when they are inconsistent with the objectives and policies of the Montville Township Comprehensive Plan and/or such streets result in an unnecessary adverse impact on the Township's natural environmental features. (Revised November 7, 2019)

5. Streets that are not otherwise required to be public streets pursuant to subsection (4) above may be approved as private streets. The Zoning Commission may approve private streets when all of the following requirements are met:
 - a) A private street shall not be planned or be expected to extend to serve property outside the planned residential development.
 - b) Right-of-ways shall not be required for private streets; however, utility easement(s) may be required along the length of the private street.
 - c) The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Montville Township Police and Medina City Fire Departments.
6. When serving 20 or fewer units, private streets may be constructed to a design speed less than 25 mph when the Zoning Commission determines that a lower design speed is appropriate to achieve the objectives of the development. Such private streets shall comply with the following:
 - a) The minimum pavement width shall be 18 feet for a two-way street and 16 feet for a one-way street.
 - b) Horizontal and vertical alignments shall meet a 20-mph design speed.
 - c) Turnarounds with a radius equal to that required by the Medina County Subdivision Regulations for public streets shall be provided for any single access private street that exceeds 800 feet.
7. All private streets shall be identified by street signs that state "Private" or "Pvt" and such signs shall be in place prior to the sale of any dwelling unit on such street.
8. All elements of a private street that are to be provided in a conservation or controlled density PRD shall be constructed in accordance with the construction standards set forth for public streets in the Medina County Subdivision Regulations.
9. Common Drives: Common drives shall be permitted in compliance with the following requirements:
 - a) A common drive shall serve no more than four units.

- b) A common drive shall extend from a public street or a private street and shall not connect to any other existing or planned public or private street.
 - c) The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Medina City Fire Department.
 - d) Right-of-ways are not required for common drives; however, a 10-foot wide utility easement shall be required along the length of the common drive, unless the Zoning Commission determines that such easement is unnecessary.
 - e) All common drives shall be paved and have a minimum width of 12 feet for one-way drives and a minimum width of 18 feet for two-way drives. Dead-end drives providing access to two or more units shall be designed with a turn-around, unless otherwise permitted by the Medina City Fire Department.
10. Whenever a private street or common drive is included in a planned residential development, deed restrictions shall be required and shall specifically include the following language:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated private street or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street or common drive.”

B. Pedestrian Circulation and Walkways.

- 1. A pedestrian circulation system shall be included in the PRD and should be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system should provide connections between properties and activities or special features within common areas and need not always be located along streets. If the pedestrian system intersects a public or private street within the development, “pedestrian crossing” signs shall be posted.
- 2. A trail system may be provided within the area of restricted open space. The system should be designed to minimize disturbance of the site with regard to the natural drainage system and topography. To the maximum extent possible, natural materials should be used in the construction and maintenance of the trail system.

Sec. 414.13 OWNERS ASSOCIATIONS.

As part of a planned residential development, a homeowners association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including the required restricted open space.

- A. The Township shall determine that, based on documents submitted with the development plan, the association’s bylaws or code of regulations specify the following requirements:
 - 1. Membership in the Association shall be mandatory for all purchasers of units in the development.
 - 2. The Association shall be responsible for maintenance, control, and insurance of common areas, including private roads and common drives.
- B. Common areas shall be prohibited from further development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township.
- C. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without (i) an affirmative vote of 60% of its members, (ii) having established a successor entity to take over said property pursuant to the Township’s zoning resolution; and (iii) the approval of the Township Board of Trustees.
- D. The Association shall convey to the township and other appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the township, at its discretion, shall have the right to attach the costs of such services to the property taxes of the condominium units, houses and/or vacant building lots and/or to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots. Documentation of such acceptance of regulations shall be documented in the covenants, conditions, and deed restrictions of the subdivision. (Revised 11/7/19)
- E. Such association shall submit to the Township Zoning Office annually a current list of association officers.
- F. The Association’s bylaws or code of regulations shall become part of the development plan and development agreement and shall be placed on record with the Medina County Recorder as a covenant on the land within the Planned Residential Development. A certified copy of all such bylaws or code of

regulations filed with the Medina County Recorder's Office shall be submitted to the Township Zoning Office in compliance with Chapter 320, Section 320.8. (Revised 01/12/17)

- G. Whenever a homeowners' association, community association, condominium association, declarant, or similar legal entity amends its bylaws or code of regulations, such amendment shall be submitted to the Montville Township Zoning Office for review and approval by legal counsel of issues regulated by the Montville Township Zoning Resolution prior to the amendment being filed with the Medina County Recorder's Office. Failure to obtain approval of such amendment shall be deemed a violation of this Zoning Resolution. Once an amendment is approved by the Township's legal counsel and filed with the Medina County Recorder's Office, a certified copy shall be submitted to the Zoning Office in accordance with Chapter 320, General Provisions, Section 320.8. (Effective 01/12/17)

Sec. 414.14 PHASED DEVELOPMENT.

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property. Restricted open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of recreation facilities shall be clearly identified on a phasing plan.

Sec. 414.15 PLAN APPROVAL.

The applicant for a planned residential development shall submit development plans in accordance with Chapter 720.

Note: Section 414.15 WAIVERS.
Removed – Effective September 27, 2007
Section 414.10 G. Resource Protection Regulations
Removed – Effective December 24, 2009

CHAPTER 430

Commercial District Regulations

430.1	Purpose.	430.9	Supplemental regulations for planned commercial developments.
430.2	Use regulations.	430.10	Accessory use requirements.
430.3	Schedule of permitted uses.	430.11	Landscaping and screening requirements.
430.4	Lot requirements.	430.12	Performance standards.
430.5	Yard requirements.	430.13	Development plan review.
430.6	Height regulations.	430.14	Certificate of occupancy.
430.7	Off-street parking regulations.		
430.8	Supplemental design standards.		

Sec. 430.1 PURPOSE.

- A. To provide in appropriate and convenient locations, sufficient areas for business activities, including the exchange of goods and services;
- B. To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;
- C. To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;
- D. To ensure that proposed developments protect the unique natural features that define the rural character of Montville Township and are appropriate and compatible with their surroundings, in accordance with the intent, objectives and development criteria of the Districts;
- E. To provide an Office District (O) that encourages business and professional office buildings and uses where buildings are clustered and attractively landscaped with open spaces in a "campus like" development. Planned commercial developments are permitted in this district in order to create such a flexible design arrangement. (Revised December 13, 2007)
- F. To provide a Community Business District (C-B) that encourages concentrated development areas within the Township offering personal services, community facilities, office and retail facilities. This district is to be applied in areas where residential uses are concentrated, such as near the city of Medina. In order to limit the impact on adjacent residential development, these areas are designated for predominantly store-type uses in a shopping center environment. When feasible, planned commercial developments are also

encouraged to improve the traffic circulation between developments through internal access roads, which then minimize the number of curb cuts along the street.

- G. To provide a Highway Commercial District (H-C) that offers motorist oriented business uses and general retail services, including, but not limited to, automotive, food and lodging services, concentrated around major freeway interchanges within the Township.
- H. To provide a Rural Commercial District (R-C) that encourages a broader range of general commercial activities and community facilities, including personal service facilities, general retail, automotive and agricultural uses that are not necessarily dependent on the availability of sanitary sewers. Such areas may include outdoor storage and display activities, provided the outdoor activities do not adversely impact adjacent residential uses.
- I. To provide for planned commercial developments (PCDs) in designated districts that will offer a more flexible design arrangement of commercial uses in a unified site development through the grouping of businesses and a limited number of access points, providing safe and efficient traffic circulation. The use of PCDs will also encourage economic efficiency through shared infrastructure and other central services.
- J. To establish design standards that will integrate proposed developments into the surrounding environment and avoid large blank walls typical of big box buildings.

Sec. 430.2 USE REGULATIONS.

- A. A use listed in Schedule 430.3 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- B. A use listed in Schedule 430.3 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 450 have been met according to the procedures set forth in Chapter 730;
- C. A use listed in Schedule 430.3 shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Zoning Resolution.
- D. Although a use may be indicated as permitted in a particular commercial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this

Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12, or upon the granting of a variance.

**Sec. 430.3 SCHEDULE OF PERMITTED USES.
REFER TO SEC. 450.6 FOR SUPPLEMENTAL REGULATIONS.**

	O Office District	C/B Commuter Business District	H/C Highway Commercial District	R/C Rural Commercial District
A. Planned Commercial Development in compliance with Sec. 430.9	P	P	--	P
B. Offices and Medical Services				
1. Administrative, business and professional offices, including public administrative office	P	P	P	P
2. Automated teller machine	C	C	C	C
3. Financial establishment	P	P	P	P
4. Hospital, medical clinic, urgent care facility, ambulance/ emergency medical services, and accessory uses. (Revised December 13, 2007)	P	P	P	P
5. Medical or dental office	P	P	P	P
6. Research/testing laboratory	C	--	--	--
C. Retail Services/Entertainment				
1. Retail in completely enclosed buildings ^(a)	P*	P	P	P
2. Personal service facilities offering services directly to the public, including, but not limited to, hair care, dry cleaner, shoe repair, and photography studios	P*	P	P	P
3. Drive-thru facility associated with a permitted use	--	C	C	C
Notes to Schedule 430.3: *Effective June 22, 2006 P = Principal use permitted by right C = Conditional Use A = Accessory Use -- = Not Permitted ^(a) In determining a use to be a retail use, the Zoning Commission or BZA may consider the proportion of the display area vs. storage area and the proportion of the building façade devoted to display windows.				

	O Office District	CB Community Business District	HC Highway Commercial District	RC Rural Commercial District
4. Restaurant	C	P	P	P
5. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; protective services; equipment rental and leasing	--	P	P	P
6. Copying services open to the general public on a retail basis	C	P	P	P
7. Funeral home	--	P	--	P
8. Instructional studios	--	P	--	P
9. Other services including carpet cleaning, small appliance and electronic repair	--	P	--	P
10. Indoor recreation	--	C	C	C
11. Sports/fitness center	--	C	C	C
12. Golf course, miniature (Effective 1/13/11)	--	P	P	P
13. Theater, indoor	--	C	C	C
14. Veterinary clinic (no outside kennel)	--	C	--	C
15. Self-storage facilities	--	--	--	C
D. Automotive Transportation				
1. Agricultural equipment, construction equipment, implements sales, service and rental, provided such uses comply with Sec. 330.1	--	--	--	P
2. Automotive service station	--	C	C	C
3. Car wash (CB Effective 9/27/07)	--	C	C	--
4. Gasoline station with more than 5 islands or 10 pumps	--	--	C	--
5. Gasoline station with not more than 5 islands or 10 pumps in association with a retail store not exceeding 5,000 square feet	--	C	C	C
<u>Notes to Schedule 430.3:</u> P = Principal use permitted by right C = Conditional Use A = Accessory Use -- = Not Permitted				

	O Office District	CB Co^o^o^o^onit^o B^usiness District	HC High^oa^o Co^o^oercial District	RC R^ural Co^o^oercial District
6. Automobile Dealership (Effective 10/12/06)	--	--	C	C
E. Lodging				
1. Hotel, motel	--	C	P	--
F. General Co^o^oercial				
1. Trade/contractor's facility including carpenter, cabinetry, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting and other similar facilities	--	--	--	C
2. Vehicle, equipment, and/or machinery repair garage	--	--	--	C
G. Outdoor Activities				
1. Park/playground	C	C	C	C
2. Outdoor recreation	--	--	--	C
H. Co^o^onit^oFacilities				
1. Assembly hall, meeting place for fraternal, charitable, social or other organization	--	C	--	P
2. Business school, college or university	C	C	C	C
3. Church or other place of worship	C	P	C	P
4. Congregate care facility ^{SR1} (Effective 4/12/12)	P	P	P	P
5. Day care center, child and/or adult	C	C	--	C
6. Library, museum	C	C	--	C
7. Post office	C	C	--	P
8. Public safety facility	P	P	P	P
9. Public service facility	--	--	--	P
10. School, public or private	--	C	--	P
Notes to Schedule 430.3: P = Principal use permitted by right C = Conditional Use A = Accessory Use -- = Not Permitted SR1: Evidence of compliance with applicable Federal, State and local laws and regulations, including facility licensure, shall be furnished to the Township.				

	O Office District	C B Co □□□ nit □ B □ usiness District	H C Hig □□ a □ Co □□ ercial District	R C R □ ural Co □□ ercial District
I. Ot □ er Uses				
1. Wireless telecommunication tower and/or facility not classified as a public utility (Revised 10/28/10)	P	P	P	P
2. Sexually oriented business in compliance with Sec. 330.6	--	--	P	--
3. Temporary retail sales and special events	See Sec. 330.4			
□. Accessor □ Uses				
1. Accessory buildings	A	A	A	A
2. Accessory retail establishments in office buildings in compliance with Sec. 430.10C.	A	--	--	--
3. Fences and walls	A	A	A	A
4. Off-street parking and loading areas	A	A	A	A
5. Signs	A	A	A	A
6. Waste receptacles	A	A	A	A
7. Wind Energy Conversion Systems (WECS) (Effective 10/28/10)	A	A	A	A
8. Outdoor Wood-Fired Hydronic Heaters (Effective 10/28/10)	A	A	A	A
<u>Notes to Schedule 430.3:</u> P = Principal use permitted by right C = Conditional Use A = Accessory Use -- = Not Permitted				

Sec. 430.4 LOT RE□**UIREMENTS.**

The minimum lot requirements for uses in Commercial Districts are specified in Schedule 430.4 and are based on the type of street on which the lot fronts.

- A. Minimum Lot Area and Width. The area and width of the lot shall not be less than the dimensions set forth in Schedule 430.4.
- B. Minimum Lot Frontage. The minimum lot frontage shall be the same as the minimum lot width set forth in Schedule 430.4.
- C. Minimum Lot Width for Corner Lots. Corner lots shall have the same minimum lot width required for both street frontages.

D. Maximum Impervious Surface.

1. The impervious surface on a lot shall comply with the maximum percentage of the total lot area set forth in Schedule 430.4.
2. The percentage shall be calculated by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

E. Schedule 430.4:

	O	C B	H C	R C
1. Minimum Lot Area:				
a. Lots fronting Rt. 3, Rt. 18, Rt. 57, Rt. 162, or Windfall Rd	2 acres	2 acres	2 acres	2 acres
b. Lots fronting all other streets	1 acre	1 acre	1 acre	1 acre
2. Minimum Lot Width at Building Line				
a. Lots fronting Rt. 3, Rt. 18, Rt. 57, Rt. 162, or Windfall Rd	200 ft.	200 ft.	200 ft.	200 ft.
b. Lots fronting all other streets	150 ft.	150 ft.	150 ft.	150 ft.
3. Maximum Impervious Surface	60 %	60 %	75 %	60 %

Sec. 430.5 YARD AND SPACING REQUIREMENTS.

- A. Building Setbacks. All structures and other permitted uses of land shall be located on a lot so as not to obstruct or otherwise encroach upon the minimum front, side and rear yard requirements established in Schedule 430.5, measured from the appropriate lot line, except as otherwise specifically permitted in this Zoning Resolution. For corner lots, the minimum front yard depth shall be required for both street frontages.
- B. Building Spacing. When more than one building is located on a zoning lot, the spacing between buildings shall not be less than the minimum distance set forth in Schedule 430.5.

C. Schedule 430.5.

	O	C B	H C	R C
1. Front Yard:				
a. Rt. 18	65 ft.	65 ft.	65 ft.	65 ft.
b. Lots fronting Rt. 3, Rt. 57, Rt. 162 or Windfall Rd	100 ft. ^(a)	75 ft. ^(a)	100 ft. ^(a)	100 ft. ^(a)
c. Lots fronting all other streets	40 ft.	40 ft.	40 ft.	40 ft.
2. Side and rear yards:				
a. When adjacent to a nonresidential district	25 ft.	25 ft.	25 ft.	25 ft.
b. When adjacent to a residential district	50 ft.	50 ft.	50 ft.	50 ft.
3. Spacing between buildings	30 ft.	30 ft.	30 ft.	30 ft.
Notes to Schedule 430.5: ^(a) The minimum front yard setback shall be reduced to 50 feet when parking is not located in the front yard.				

Sec. 430.6 HEIGHT REGULATIONS.

All buildings in an O, C-B, H-C or R-C District shall comply with the following height regulations:

- A. For lots fronting on SR 18, the height of principal buildings shall not exceed 50 feet. For all other lots, the height of principal buildings shall not exceed 35 feet.
- B. The height of accessory buildings and structures shall not exceed 20 feet, unless otherwise specified in this Zoning Resolution.

Sec. 430.7 OFF-STREET PARKING REGULATIONS.

Off-street parking areas shall conform to the regulations of Chapter 520 and to the off-street parking requirements specified in Schedule 430.7 below.

- A. Landscaping and Screening. Off-street parking areas shall be effectively screened and landscaped according to the requirements set forth in Chapter 530.

- B. Schedule 430.7. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below.

	O	C-B	H-C	R-C
1. Setback from the street right-of-way line:				
a. Rt. 18	45 ft.	45 ft.	45 ft.	45 ft.
b. Lots fronting Rt. 3, Rt. 57, Rt. 162 or Windfall Rd	30 ft. ^(a)	30 ft. ^(b)	30 ft. ^(a)	30 ft. ^(a)
c. Lots fronting all other streets	20 ft.	20 ft.	20 ft.	20 ft.
2. Setback from side or rear lot line when adjoining a nonresidential district	10 ft.	10 ft.	10 ft.	10 ft.
3. Setback from side or rear lot line when adjoining a residential district	25 ft.	25 ft.	25 ft.	25 ft.
Notes to Schedule 430.7:				
^(a) Except that when a building is located less than 100 feet from the street right-of-way, as permitted in footnote (a) of Schedule 430.5, off-street parking shall be located only in the side or rear yard.				
^(b) Except that when a building is located less than 75 feet from the street right-of-way, as permitted in footnote (a) of Schedule 430.5, off-street parking shall be located only in the side or rear yard.				

Sec. 430.8 SUPPLEMENTAL DESIGN STANDARDS.

The following required design elements are established to ensure that new development or redevelopment complies with the purpose of this Chapter, as set forth in Sec. 430.1. All uses proposed in districts regulated in this Chapter shall comply with the following design requirements, unless specifically stated otherwise.

- A. General Criteria Applicable to all Proposals Requiring Review.
1. The proposal shall minimize changes to the natural grade, and the removal and destruction of trees, landscaping and other natural features.
 2. Buildings and structures shall be designed and located on the site with features that are appropriate and compatible with those existing buildings and structures that meet the objectives of the district. Such features include:
 - a) Building proportions, including height and width.

- b) Architectural features, including patterns of windows and doors, roof pitch, cornice lines, balconies, porches, shutters, dormers, eaves and other decorative detail.
 - c) General site characteristics including, well landscaped parking areas and safe, comfortable and convenient pedestrian movement among adjacent and nearby buildings.
3. Large development projects (containing more than one use) shall contain elements such as a variation of the height of particular units, pitched roofs, gables, pediments, dormers, or other similar features that will create diversity within an otherwise overall cohesive and unified development.
- B. Required Building Wall Components. In order to ensure that new construction maintains a harmonious and attractive built landscape within the commercial district areas walls of buildings shall comply with the following:
- 1. Walls shall have no more than 20 feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that an appropriate scale, rhythm, and visual interest is created.
 - 2. Walls that meet the following criteria shall be exempt from the requirements of subsection B1 above:
 - a) Two walls face one another, are separated by not more than 30 feet and the space between the two walls is used for servicing the buildings, or
 - b) The wall faces an area that is devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas.
 - 3. Exterior walls of buildings shall include offsets in the façade according to the following:
 - a) In O, and C-B Districts there shall be a minimum five (5)-foot change in plane at intervals not to exceed 120 feet.
 - b) In H-C and R-C Districts there shall be a minimum five (5)-foot change in plane at intervals not to exceed 200 feet.
 - 4. The roof framing shall reflect the required offset described in subsection 3, above, for the exterior wall.

- C. Supplemental Regulations for the C-B District. In the C-B District, the wall of a building that faces a public right-of-way or parking area, or is within 45 degrees of facing a public right-of-way, shall have a minimum of 50 percent of such wall area, measured between two and one-half (2.5) feet and eight (8) feet above the average grade of the building façade, constructed with display-type windows on the ground floor. The bottom edge of such window shall not be higher than three feet above grade. A maximum of 20 percent of such windows may be opaque.

Sec. 430.9 SUPPLEMENTAL REGULATIONS FOR PLANNED COMMERCIAL DEVELOPMENTS.

The following provisions are established in order to encourage and accommodate unified commercial developments. An applicant may choose to develop property according to the following planned commercial development (PCD) regulations. Uses permitted in the District shall also be permitted in the PCD in the same manner in which set forth in Schedule 430.3. The specific development standards set forth in this Section are intended to provide flexibility in the design and layout of a PCD. A PCD shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Resolution, as well as satisfy the conditions, standards and requirements of this Section. Whenever there is a difference between the provisions of the district regulations and this Section, the provisions of this Section shall prevail.

- A. A planned commercial development shall have a minimum project size of 10 acres. The PCD project area shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PCD boundaries.
- B. The percentage of the individual lots that shall be devoted to impervious surfaces shall not exceed 75% of the total lot area.
- C. Buildings and parking areas within a PCD shall comply with the following:
 - 1. Along the perimeter of the PCD, buildings shall comply with the building setbacks set forth in Schedule 430.5 and parking areas shall comply with the parking setbacks set forth in Schedule 430.7.
 - 2. The minimum building setback shall be 20 feet from an interior street within the PCD.
 - 3. Side and rear yard setbacks from lot lines on the interior of the PCD shall be the minimum necessary to ensure adequate fire protection around the buildings as determined by the Medina City fire department.

4. There shall be no minimum parking setback from side and rear lot lines on the interior of the PCD. However, all parking areas shall comply with the landscaping requirements set forth in Chapter 530.

Sec. 430.10 ACCESSORY USE REQUIREMENTS.

Accessory uses, buildings and structures permitted in Commercial Districts shall comply with the following regulations:

- A. Accessory Buildings. Accessory buildings not greater than 200 square feet may be located in the side or rear yard and shall comply with the minimum parking setbacks established in Schedule 430.7. Accessory buildings with a floor area greater than 200 square feet shall conform to all lot and yard regulations and development plan review and approval requirements of the zoning district in which the parcel or lot is located.
- B. Waste Receptacles. All solid waste resulting from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings or in a completely enclosed container. Such building, container or dumpster shall be located in a side or rear yard in compliance with the minimum parking setbacks established in Schedule 430.7.
- C. Retail Establishments in Office Buildings. Retail establishments, such as a pharmacy or cafeteria, may be located in an office building in the O District provided such accessory use complies with the following:
 1. The sum of the areas of such retail uses shall occupy no more than 25% of the first floor area of the office building.
 2. No goods, merchandise or other items shall be displayed so as to be visible from an exterior show window.
 3. No external sign indicating such use shall be permitted.
 4. No outdoor storage of goods or materials shall be permitted.
- D. Fences and Walls. Fences and walls may be erected in any Commercial District provided they comply with the requirements set forth in Chapter 530.
- E. Signs. Signs shall conform to the regulations specified in the following:
 1. Signs in the O, C-B, H-C and R-C districts shall conform to the regulations specified in Chapter 510.
- F. Wind Energy Conversion Systems (WECS). WECS shall be considered an accessory use and shall comply with the requirements set forth in Schedule 430.3, as well as Section 410.8 L. (Effective 10/28/10)

- G. Outdoor Wood-Fired Hydronic Heaters. OWHH shall be considered an accessory use and shall comply with the accessory building setback and height requirements in the district it is proposed to be erected and with the other requirements as set forth in Schedule 430.3, as well as Section 410.8 M. (Effective 10/28/10)

Sec. 430.11 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in Commercial Districts in accordance with the provisions set forth in Chapter 530.

Sec. 430.12 PERFORMANCE STANDARDS.

All commercial uses shall comply with the following performance standards:

- A. Noise. No noise in excess of 60 decibels shall emanate from a commercial use when it is adjacent to a residential use. Noise levels shall be measured at the property line between uses.
- B. Lighting. All exterior lighting shall be shielded to prevent its shining onto adjacent properties or the public right-of-way. Roof lighting shall be prohibited.
- C. Enclosures. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.

Sec. 430.13 DEVELOPMENT PLAN REVIEW.

Prior to the construction, alteration, expansion or modification of a use in a Commercial District, a development plan for such activity shall be reviewed and approved according to the procedures set forth in Chapter 720.

Sec. 430.14 CERTIFICATE OF OCCUPANCY.

A certificate of occupancy shall be applied for and issued as follows:

- A. Certificate Required. A certificate of occupancy shall be required for the following.
 - 1. Occupancy of Newly Constructed Building. Whenever a zoning certificate is issued for a building in a commercial district and the use(s) is not identified on the zoning permit, a certificate of occupancy shall be required for each use prior to occupying the building in order to ensure compliance with the use and parking regulations.

2. Change in Occupancy. Whenever there is a change in the occupant of any building or premise in a commercial district, the new occupant shall be required to obtain a certificate of occupancy prior to occupying the building or premise.
- B. Certification. A certificate of occupancy shall only be issued after the proposed use is found to be in conformity with the provisions of this Zoning Resolution.

**CHAPTER 450
Conditional Use Regulations**

450.1	Purpose.	450.5	Minimum lot and yard
450.2	General criteria for all conditional uses.		regulations for conditional uses in commercial districts.
450.3	Specific conditions for conditional uses.	450.6	Supplemental regulations for certain uses.
450.4	Minimum lot and yard regulations for conditional uses in residential districts.		

Sec. 450.1 PURPOSE.

Conditional uses are a classification of uses that are determined to generally be compatible in the district in which they are listed as a conditional use. However, this category of uses is so classified because of the need to adequately monitor the proposed use in order to ensure that the use and its operational aspects are indeed appropriate in the specific location in which the use is proposed. Such monitoring is necessary because the external impacts of a particular use are either sufficiently varied or indeterminable in advance, making it possible that, without the Board of Zoning Appeals review, a particular use could be inappropriate in certain locations within the district.

These regulations are intended to ensure that conditional uses are reviewed in a reasonable and equitable manner, while safeguarding the property rights of all individuals and the public health, safety, convenience, comfort prosperity and general welfare (Effective June 22, 2006) of the community. Toward these ends, it is recognized that this Zoning Resolution should provide for a more detailed evaluation of each use listed as a conditional use in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, requirements for public facilities and traffic generation. In considering a proposed conditional use, the Board of Zoning Appeals may assign reasonable requirements to ensure that the proposed development is appropriate in the location in which it is proposed. Accordingly, conditional use applications shall conform to the procedures and requirements of Chapter 730.

Sec. 450.2 GENERAL CRITERIA FOR ALL CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in said district. In order to be approved in a district, a proposed conditional use shall comply with the following general criteria, which are in addition to specific conditions, standards and regulations set forth in Sections 450.3 through 450.6. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that:

- A. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
- B. In areas where a cohesive pattern of development exists, the conditional use 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 use will not essentially change the character of the same area.
- C. The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of properties in the immediate vicinity, nor substantially diminish or impair property values within the neighborhood.
- D. The hours of operation of the proposed conditional use are similar to other uses permitted in the district.
- E. The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- F. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets.
- G. The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools.
- H. There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

Sec. 450.3 SPECIFIC CONDITIONS FOR CONDITIONAL USES.

In addition to the general criteria established in Sec. 450.2, the following specific conditions shall apply.

- A. Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Board of Zoning Appeals from prescribing conditions and safeguards that are in addition to these requirements in order to ensure compliance with the criteria set forth in Sec. 450.2.
- B. Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Resolution, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations and the district

regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations.

C. Overall Development Standards.

1. The Board of Zoning Appeals may limit the hours of operation to ensure that a conditional use is compatible with the surrounding uses.
2. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties.
3. Floodlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.
4. Landscaping and buffering shall be provided in compliance with Chapter 530.
5. The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district in which the conditional use is proposed.
6. All trash receptacles shall be adequately screened in compliance with the regulations set forth in Chapter 530.
7. The conditional use will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 520.
8. In a residential district, on lots of one (1) acre or more, all points of entrance or exit should be no closer than 75 feet from an intersection.
9. In any residential district, the percentage of a lot covered by buildings shall not exceed 30% of the total area of the lot.
10. Public or semipublic buildings permitted as a conditional use in a district may be permitted to be erected to a height not to exceed 45 feet, provided the building is set back from each lot line at least one foot for each foot of additional building height above the height limit otherwise provided for in the district in which the building is located.

Sec. 450.4 MINIMUM LOT AND YARD REGULATIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.

Schedule 450.4 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal and accessory buildings and parking areas for conditional uses in residential districts. Supplemental requirements pertaining to such uses are set forth in 450.6, and the specific subsections are referenced in Schedule 450.4, below.

Schedule 450.4 (Revised 09/10/09)
**MINIMUM LOT AND YARD REGULATIONS
 FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS**

Conditional Use	Conditional Use in District	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks		Also See Section
		Area	Width	Front	Side/Rear	Front	Side/Rear	
Accessory living quarters	R-R, R-1	(1)	(1)	(1)	(1)	NP	(1)	450.6 A
Camp facility including overnight and related accommodations	R-R, R-1	50 ac	500 ft	100 ft	100 ft	NP	50 ft	450.6 P
Cemetery	R-R, R-1, R-2, R-3	40 ac	500 ft	100 ft	100 ft	NP	50 ft	450.6 G
Church or other place of worship	R-R, R-1, R-2, R-3	2 ac ⁽¹⁾	200 ft ⁽¹⁾	(1)	50 ft ⁽¹⁾	NP	35 ft ⁽¹⁾	450.6 H
Congregate care facility	R-3	2 ac	200 ft	(1)	50 ft	NP	35 ft	450.6 I
Day care center, child and adult	R-R, R-1, R-2	2 ac ⁽¹⁾	200 ft ⁽¹⁾	(1)	50 ft ⁽¹⁾	NP	35 ft ⁽¹⁾	450.6 K
Golf course, private, public, or semi-private; country club, public or private. (Revised 1/13/11)	R-R, R-1, R-2	40 ac	500 ft	100 ft	100 ft	NP	50 ft	450.6 P
Group home for handicapped persons	R-3	2 ac	200 ft	(1)	(1)	(1)	(1)	450.6 N
Institution for higher education	R-2	10 ac	500 ft	100 ft	100 ft	NP	50 ft	450.6 H
Institutional meeting facility	R-2	2 ac	200 ft	(1)	50 ft	NP	35 ft	450.6 B
Oil, gas, and brine well, drilling and operations and storage	R-R, R-1	See Chapter 550						
Parking area for adjacent lot in a commercial district	R-R, R-1, R-2, R-3	(1)	(1)	NA	NA	NP	35 ft ⁽¹⁾	450.6 Q
<p><u>Notes to Schedule 450.4:</u> Uses shall comply with the standards in this table or the corresponding district standard whichever is greater. (1) Shall comply with the regulations for the district in which the conditional use is located. (2) Parking spaces for more than 2 vehicles shall be located in the rear yard. (3) Shall comply with the side yard setback requirements for principal buildings. NP = Not Permitted NA = Not Applicable</p>								

Conditional Use	Conditional Use in District	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks		Also See Section
		Area	Width	Front	Side/Rear	Front	Side/Rear	
Park, playground, picnic area, public or private	R-R, R-1, R-2, R-3,	(1)	(1)	(1)	(1)	(1)	(3)	450.6 P
Public safety facility	R-R, R-1, R-2, R-3	2 ac ⁽¹⁾	200 ft ⁽¹⁾	(1)	35 ft ⁽¹⁾	NP	35 ft ⁽¹⁾	450.6 R
Riding facility, noncommercial public or private	R-R, R-1	5 ac	300 ft	100 ft	100 ft	NP	50 ft	450.6 P
School, public or private, library	R-R, R-1, R-2, R-3	2 ac ⁽¹⁾	200 ft ⁽¹⁾	(1)	35 ft ⁽¹⁾	NP	35 ft ⁽¹⁾	450.6 H
Tennis club, club swimming pool or similar noncommercial recreation facility	R-R, R-1, R-2, R-3	5 ac	300 ft	100 ft	100 ft	NP	50 ft	450.6 P
Wireless telecommunication tower and/or facility (Revised 5/28/09 & 10/28/10)	R-R, R-1, R-2, R-3	See Chapter 540						
<p><u>Notes to Schedule 450.4:</u> Uses shall comply with the standards in this table or the corresponding district standard whichever is greater. (1) Shall comply with the regulations for the district in which the conditional use is located. (2) Parking spaces for more than 2 vehicles shall be located in the rear yard. (3) Shall comply with the side yard setback requirements for principal buildings. NP = Not Permitted NA = Not Applicable</p>								
<p><u>List of Districts:</u> R-R Rural Residential District R-1 Single-Family and Low Density Residential District R-2 Single-Family Suburban Residential District R-3 Single-Family Urban Residential District</p>								

Sec. 450.5 MINIMUM LOT AND YARD REGULATIONS FOR CONDITIONAL USES IN COMMERCIAL DISTRICTS.

Schedule 450.5 sets forth regulations governing minimum lot area and minimum lot width requirements for conditional uses in a commercial district. Supplemental requirements pertaining to such uses are set forth in Sec. 450.6, and the specific subsections are referenced in Schedule 450.5, below.

Schedule 450.5
**MINIMUM LOT AND YARD REGULATIONS FOR CONDITIONAL USES
 IN COMMERCIAL DISTRICTS.**

Conditional Use	Conditional Use in District	Minimum Lot Regulations		Also See Section
		Area	Width	
Assembly hall, meeting place for fraternal, charitable, social or other organization	C-B	(1)	(1)	450.6 B
Automated teller machine	O, C-B, H-C, R-C	(1)	(1)	450.6 C
Automobile dealership (Effective October 12, 2006)	H-C, R-C	4 ac	300 ft	450.6 D
Automotive service station	C-B, H-C, R-C	(1)	(1)	450.6 E
Business school, college or university	O, C-B, H-C, R-C	(1)	(1)	450.6 H*
Car wash establishment (CB Effective 9/27/07)	C-B, H-C	(1)	(1)	450.6 F
Church or other place of worship	O, H-C	(1)	(1)	450.6 H
Copying services	O	(1)	(1)	450.6 J
Day care center, child and/or adult	O, C-B, R-C	(1)	(1)	450.6 K
Drive-thru facility associated with a permitted use	C-B, H-C, R-C	(1)	(1)	450.6 L
Gasoline station with more than 5 islands or 10 pumps	H-C	3 ac	300 ft	450.6 M
Gasoline station with not more than 5 islands or 10 pumps in association with a retail store not exceeding 5,000 square feet	C-B, H-C, R-C	(1)	(1)	450.6 M
Hotel, motel	C-B	2 ac	200 ft	--
Indoor recreation	C-B, H-C, R-C	(1)	(1)	450.6 O
Library, museum	O, C-B, R-C	(1)	(1)	450.6 H
Outdoor recreation	R-C	(1)	(1)	450.6 P
Park or playground	O, C-B, H-C, R-C	(1)	(1)	450.6 P
Post office	O, C-B	(1)	(1)	--
Research/testing laboratory	O	(1)	(1)	450.6 S
Restaurant	O	(1)	(1)	450.6 T
School, public or private	C-B	(1)	(1)	450.6 H
Notes to Schedule 450.5:				*Effective 10/12/06
Uses shall comply with the standards in this table or the corresponding district standard whichever is greater.				
⁽¹⁾ Shall comply with the regulations for the district in which the conditional use is located.				

Conditional Use	Conditional Use in District	Mini <input type="checkbox"/> <input type="checkbox"/> Lot Regulations		Also See Section <input type="checkbox"/>
		Area	Width <input type="checkbox"/>	
Self-service storage facility	R-C	2 ac	200 ft	450.6 U
Sports/fitness center	C-B, H-C, R-C	(1)	(1)	450.6 O
Theater, indoor	C-B, H-C, R-C	(1)	(1)	450.6 O
Trade contractor's facility	R-C	(1)	(1)	450.6 E
Vehicle, equipment and machinery repair garage	R-C	(1)	(1)	450.6 E
Veterinary clinic (no outside kennel)	C-B, R-C	(1)	(1)	450.6 V
<p>Notes to Schedule 450.5: Uses shall comply with the standards in this table or the corresponding district standard whichever is greater. (1) Shall comply with the regulations for the district in which the conditional use is located.</p>				
<p>List of Districts: O Office District C-B Community Business District H-C Highway Commercial District R-C Rural Commercial District</p>				

Sec. 450.6 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

The following are specific conditions, standards and regulations for certain conditional uses and are in addition to the criteria and standards set forth in Sections 450.2 through 450.5.

- A. Accessory living quarters. An accessory living quarter, when permitted by the Board of Zoning Appeals, shall comply with the following:
 - 1. The accessory living quarter shall not constitute a dwelling unit and shall not include kitchen facilities.
 - 2. There shall be no indication from the exterior of the single-family dwelling unit that it contains accessory living quarters.

- B. Assembly hall, meeting hall; clubs, lodges, fraternal, charitable or social organization's meeting place; institutional meeting facilities: All activities, programs and other events shall be directly related to the conditional use so granted.

- C. Automated teller machine:
 - 1. Such facilities shall be located so as to be the least disruptive to pedestrian and vehicular traffic.

2. There shall be adequate and safe standing space for people waiting to use the facility.
3. The Police Department shall determine that the location of the proposed ATM will not constitute a traffic safety hazard.

D. Automobile Dealership (Effective October 12, 2006; Revised June 21, 2007)

1. The building setback for such establishment shall be located a minimum of 150 ft. from a residential district and the minimum parking setback shall be 50 ft.
2. All work shall be performed entirely within a building. During the time work is performed on a vehicle, the vehicle shall be entirely within the building.
3. Vehicle parking areas, vehicle and equipment storage areas, maneuvering lanes and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
4. No scrap metal, scrap or salvaged parts, junk vehicles or used oil, antifreeze, transmission or other such fluids shall be stored above ground on the site.
5. Any proposed loudspeaker system shall be approved as part of the development plan.

E. Automotive service station; trade contractor's facility, vehicle, equipment and machinery repair garage. (Revised June 21, 2007)

1. The building setback for such establishment shall be located a minimum of 150 ft. from a residential district and the minimum parking setback shall be 50 ft.
2. All work shall be performed entirely within a building. During the time work is performed on a vehicle, the vehicle shall be entirely within the building.
3. Vehicle parking areas, vehicle and equipment storage areas, maneuvering lanes and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
4. No scrap metal, scrap or salvaged parts, junk vehicles or used oil, antifreeze, transmission or other such fluids shall be stored above ground on the site.

5. No junk or inoperative or unlicensed motor vehicles shall be permitted to remain on the property outside an enclosed structure for more than 48 hours.

F. Car wash establishments.

1. Establishments shall be serviced by county water and sanitary sewers. (Effective September 27, 2007)
2. The building shall be located on the lot so as to utilize the maximum amount of lot area for the purpose of containing the waiting line of cars prior to the time the cars or other vehicles are actually serviced.
3. All car wash establishments shall be equipped with blow dryers to prevent excess water from pooling in the right-of-way.
4. A car wash establishment may be combined with a gasoline station provided that the minimum lot area for the combined uses shall be two (2) acres.

G. Cemetery.

1. Except for office uses incidental to cemetery operation, no business or commercial uses of any kind shall be permitted on the cemetery site.
2. Interior drives having a minimum width of 20 feet shall be installed as development progresses and as indicated in the final plans by the Board of Zoning Appeals.
3. Sufficient pull-off areas for vehicles shall be provided throughout the cemetery so as not to hinder traffic flow.
4. No gravesite, mausoleum or crematory shall be located within 100 feet of a public street right-of-way or residential property line.
5. All maintenance equipment and materials shall be stored in a completely enclosed building.
6. Landscaping shall be provided throughout the cemetery.

H. Church/place of worship; library; museum; school, public or private; institution for higher education.

1. Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.

2. In any district, the Board of Zoning Appeals may require all outdoor children's activity areas to be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate shall be securely fastened.
 3. All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.
 4. All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
 5. Associated uses such as a convent, faculty residence, cafeteria, dormitory, fieldhouse, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this Chapter.
 6. The development plan shall indicate the building's emergency entrances or exits.
- I. Congregate care facility.
1. A congregate care facility may include one or more of the following types of residential facilities:
 - a) Independent living with congregate dining facilities;
 - b) Congregate living;
 - c) Assisted living; or
 - d) Nursing care.
 2. Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.
 3. The density of a congregate care facility shall not exceed the net density set forth below for each area included in the facility.
 - a) The net density of an assisted living and or nursing home and its associated parking facilities shall not exceed 25 patients per acre.
 - b) The net density of independent living and/or congregate living units and its associated parking facilities shall not exceed 15 dwelling units per acre.

4. The facility shall provide safety features to ensure the safety of its residents and patients:
 - a) Local police and fire officials shall be provided with an evacuation plan which following approval, shall be posted in a conspicuous location within the facility.
 - b) An overall floor plan of the facility shall be provided to the local police and fire departments, which shall keep the floor plan on file.
5. The development plan shall indicate the buildings emergency entrances or exits.
6. The facility and its staff shall be in full compliance with all applicable Federal, State and local laws and regulations, including facility licensure to begin and continue operation. Evidence of such compliance shall be furnished to the Township. Failure to maintain such license, certification or other approval requirements shall constitute a violation of this Zoning Resolution.

J. Copying services.

1. The design of the structure and any signage shall be visually compatible with the surrounding area as determined by the Board of Zoning Appeals.
2. On-site overnight storage of delivery vehicles shall be within a completely enclosed building.

K. Day care center, child or adult.

1. For the protection of children and adults enrolled in the day care center, a fence or wall having a height of at least five (5) feet shall enclose all outdoor activity areas. An entry gate shall be securely fastened. The location and height of the fence shall also comply with the fence standards set forth in the District regulations.
2. A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children and adults.
3. In an R-R, R-1, R-2 or R-3 District, such use shall only be permitted in a church, other place of worship or a school facility.
4. The location and design of the center shall provide for the protection of the children and adults from the traffic, noise, and other hazards of the area and/or the arterial street location.

5. A day care center for children shall comply with the following:
 - a) An outdoor play area equal in area to the ground floor area of the day care facility is required. The required outdoor activity area shall not be located closer than twenty (20) feet to any residential property.
 - b) Play structures and other similar apparatus shall not be located closer than forty (40) feet to any residential property.
6. The center and its staff shall be in full compliance with all applicable Federal, State and local laws and regulations, including facility licensure to begin and continue operation. Evidence of such compliance shall be furnished to the Township. Failure to maintain such license, certification or other approval requirements shall constitute a violation of this Zoning Resolution.

L. Drive-thru facility associated with a permitted use.

1. The building setback for such establishment shall be located a minimum of 150 ft. from a residential district and minimum parking setback shall be 50 ft.
2. Such facilities shall be located on an arterial street in an area least disruptive to pedestrian and vehicular traffic.
3. Any proposed loudspeaker system shall be approved as part of the development plan.
4. All access drives shall be located as far as practicable from an existing intersection in order to minimize congestion and constricted turning movements, but not less than 100 feet from an intersection.

M. Gasoline station. (Revised 01/12/17)

1. For gasoline stations with more than 5 islands or 10 pumps:
 - a) The building setback for such establishment shall be located a minimum of 100 ft. from a residential district and the minimum parking setback shall be 50 ft.
 - b) When located on a corner lot, such uses shall have not less than 300 feet frontage on each of the two intersecting streets.
2. For gasoline stations with not more than 5 islands or 10 pumps in association with a retail store not exceeding 5,000 square feet

- a) The building setback for such establishment shall be located a minimum of 100 ft. from a residential district and the minimum parking setback shall be 50 ft.
- b) When located on a corner lot, such uses shall have not less than 200 feet frontage on each of the two intersecting streets.
3. The location of access drives shall be placed as far as possible from the intersection and shall be limited to no more than one access drive per street frontage.
4. Fuel pumps may be erected in a front yard provided the fuel pump complies with the off-street parking setback.
5. Driveways to provide access to a gasoline pump, platforms and curbs shall be designed in accordance with regulations adopted by the Ohio Department of Transportation.
6. A canopy may be constructed over the pump island, provided the canopy complies with the off-street parking setback and shall not exceed 20 feet in height.
7. No junk or inoperative or unlicensed motor vehicles shall be permitted to remain on the property for more than 48 hours.
8. All activities provided at gasoline stations, except those required to be performed at a fuel pump, air dispenser, or self-serve automobile vacuum, shall be carried on entirely inside a building.
9. On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per fronting street.
10. A gasoline station may be combined with any other permitted use provided the parking space requirements for both uses are met.

N. Group home for handicapped persons.

1. The facility and its staff shall be in full compliance with all applicable Federal, State and local laws and regulations, including facility licensure to begin and continue operation. Evidence of such compliance shall be furnished to the Township. Failure to maintain such license, certification or other approval requirements shall constitute a violation of this Zoning Resolution.
2. In considering whether to grant the conditional use permit, the Board of Zoning Appeals shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the

- public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 1,000 feet from where a group home for handicapped persons is located.
3. The applicant shall comply with the applicable parking regulations of this Zoning Resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.
 4. The architectural design and site layout of a group home and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.
- O. Indoor recreation; sports/ fitness center; indoor theatre:
1. Such uses shall not include an archery range, pistol range or other place for the use of firearms of any nature including paint ball guns.
 2. The use of exterior loud speakers shall not be permitted.
 3. All activities, programs and other events shall be properly supervised so as to ensure against any disturbance or nuisance to the surrounding properties, residents, or to the community in general.
- P. Outdoor recreation; campground; country club or tennis club; golf course, private, public or semi-private; public park or playground; riding facility; swimming facility. (Revised 1/13/11)
1. The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.
 2. The Board of Zoning Appeals may require active recreation areas to be enclosed by a fence having a minimum height of five (5) feet. The location and height of the fence shall also comply with the fence standards set forth in the District regulations.
 3. No drive-in theaters, amusement parks, race tracks of any kind, rifle ranges, skeet shooting ranges, pistol ranges, and other activities involving the use of firearms including high-powered air rifles shall be permitted in any district.

4. Delivery trucks shall not be used as refreshment stands, souvenir stands and/or concession stands.
 5. All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
 6. An adequate number of public restrooms for both men and women shall be provided and maintained.
 7. Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.
 8. In a residential district, only incidental retail uses such as a snack bar, shall be permitted as an accessory use to a public or private recreation facility. Such facility shall be provided for the convenience of customers attending the public or private recreation facility and no sign advertising the retail use shall be permitted.
 9. Swimming pools shall comply with the following additional requirements:
 - a) Pools shall be adequately fenced to prohibit unauthorized access to the facility.
 - b) Pools and their enclosures shall comply with the building setback requirements set forth in Schedule 450.4.
 - c) The enclosure required in subsection 9.a) above shall be kept locked at all times the pool is not in use.
 - d) The Board of Zoning Appeals may limit the maximum lot coverage of related buildings and lounging/deck areas.
 10. Golf courses, including tees, fairways, greens and golf driving ranges shall be designed and landscaped in such a manner as to reasonably prevent a golf ball from landing out of the golf course.
 11. Campsites in a campground shall comply with the building setback set forth in Schedule 450.4.
- Q. Parking area for a lot in an adjacent commercial district: A lot in a residential district may be permitted as a conditional use to be utilized for accessory parking area for an adjacent nonresidential use in compliance with the following:

1. The adjacent lot is in a commercial zoning district and the existing use(s) on such adjacent lot is permitted by right or conditionally permitted in an adjoining commercial district,
2. The applicant shall demonstrate that existing parking conditions on the adjacent lot do not meet the parking needs of the permitted or conditional use and are less than what is currently required by Chapter 520.
3. The residential lot on which the accessory parking area is proposed shall adjoin at least 100 feet of the lot in the commercial district.
4. Any such accessory parking area on a residential lot shall be used solely for the parking of passenger vehicles and no commercial repair work, service or overnight storage of fleet vehicles shall be permitted.
5. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot and no charge shall be made for parking.
6. Entrances and exits shall be located at least 25 feet from any lot line that abuts a lot in the residential district.

R. Public safety facility.

1. Facilities shall be limited to structures that are essential for the distribution of services to the local area.
2. Outdoor storage of fleet vehicles used in the operation of the facility may be permitted provided such storage areas are located in the rear yard in compliance with the building setback requirements and are screened in accordance with Chapter 530.
3. The areas devoted to the outdoor storage of fleet vehicles shall be enclosed with a fence six (6) feet in height. Such fence shall be screened according to the requirements of Chapter 530.

S. Research and testing laboratories:

1. The building setback for such establishment shall be located a minimum of 150 ft from any residential district and the minimum parking setback shall be 50 ft.
2. Uses that employ hazardous materials as defined and classified in the H-1, H-2, H-3 and H-4 Use Groups in Chapter 3 of the Ohio Basic Building Code shall be specifically prohibited.

T. Restaurants.

1. A restaurant may be permitted in an O District, provided that the lot area shall be adequate to accommodate the required off-street parking.
2. The design of the structure and any signage shall be visually compatible with the surrounding area as determined by the Board of Zoning Appeals.
3. All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.
4. The applicant shall demonstrate to the satisfaction of the Board of Zoning Appeals that the development will have minimal impact on traffic in adjacent residential areas.

U. Self-Service Storage Facility.

Such uses subject to the following conditions:

1. Maximum size of individual storage spaces shall be limited to 750 square feet.
2. Such uses should be located on an arterial street adjacent to non-residential uses or in sparsely settled residential areas.
3. The Medina Fire Department and the Montville Police Department shall be provided with 24-hour access to the grounds. A lock box shall be provided for their use.
4. The leases for all self-storage units shall include clauses prohibiting the following:
 - a) The storage of hazardous substances as defined in Chapter 210 Definitions of the Zoning Resolution.
 - b) The use of property for uses other than dead storage.
 - c) Outdoor storage pursuant to Section 430.10.C.4.
5. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved with concrete, asphalt or equivalent. One parking space for every ten (10) individual storage units distributed equally throughout the storage area.
6. The following is prohibited:
 - a) Auctions other than the disposal of unit contents, commercial, wholesale, or retail sales, or miscellaneous or garage sales;

- b) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawnmowers, appliances, or other similar equipment.
(Effective June 22, 2006)

V. Veterinary clinic.

1. The building setback for such establishment shall be located a minimum of 100 ft from a residential district and minimum parking setback shall be 50 ft.
2. There shall be no outside runs or kennels associated with the veterinary office.
3. The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention.
4. Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.
5. No animals shall be buried on the premises and incineration shall not create odors or smoke off the premises.

ARTICLE V
REGULATIONS APPLICABLE TO ALL DISTRICTS

CHAPTER 510
Sign Regulations

510.1	Purpose.	510.6	Criteria for the design and construction of signs.
510.2	Computations.		
510.3	Regulations and Maximum Area for Signs.	510.7	Maintenance.
510.4	Signs exempt from regulation.	510.8	Administration procedures.
510.5	Prohibited signs.	510.9	Alteration and removal of nonconforming signs.

Sec. 510.1 PURPOSE.

In the interest of promoting the public convenience, comfort, prosperity and general welfare of the residents of Montville Township, these regulations provide for the use, location and size of signs. More specifically, the purposes of these regulations are to:

- A. Provide reasonable, yet appropriate, conditions for signage for residents, residential developments, institutions, businesses, and nonresidential establishments.
- B. Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment and eliminate any confusion or hazardous conflict between traffic control signs and devices, and other signs authorized by these regulations.
- C. Minimize the negative consequences of excessive numbers or size of signs.
- D. Provide review procedures that enable the Township to comprehensively evaluate the appropriateness of a sign to the site, building and surroundings.
- E. Prohibit all signs not expressly permitted by this Chapter.

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Sec. 510.2 COMPUTATIONS.

The following principles shall control the computation of sign area and sign height:

A. Determining Sign Area or Dimension.

1. For a sign that is framed, outlined, painted or otherwise prepared and designed to include a background for a sign display, the sign area or dimensions shall include the entire portion within such background or frame.
2. For a sign comprised of individual letters, figures, emblems, logos or elements on a wall, or an irregular shaped billboard, ground or interstate pole sign, the area of the sign shall encompass the smallest regular, or a combination of regular, geometric shapes that form or approximate the perimeter of all the elements in the display. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining one or more geometric forms that comprise the entire display area, including the space between the elements.
3. The sign area shall include the frame but shall not include the pole or other structural support unless such structural support is illuminated or otherwise so designated to constitute a display device.
4. The area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. A v-sign shall be considered one (1) sign face and the measurement of the exterior angle between the sign faces shall not exceed ninety (90) degrees.
5. In the event there is a dispute in determining the sign area or any sign dimension, the Zoning Inspector shall have the responsibility for making such determination. The Board of Zoning Appeals is the final authority.

B. Determining Sign Height. The height of a billboard, ground sign, or interstate pole sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

1. Normal grade shall be construed to be the lower of:
 - a) Existing grade prior to construction, or

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- b) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
 2. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street or the grade of the land at the main access to the development off of the public or private road, whichever is higher.
- C. Determining Building Frontage and Building Unit.
1. The building frontage shall be measured along the length of the front wall between the exterior faces of the exterior side walls.
 2. In the case of an irregular wall surface, a straight line extended between the exterior faces of the exterior side walls shall be used to measure the length.
 3. For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the Zoning Inspector shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage and only one additional outside wall shall be considered a secondary frontage.
 4. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
- D. Architectural Features. Architectural features that are either part of the building or part of a billboard, ground sign or interstate pole sign structure are not considered signs and are thus exempt from these regulations.

Sec. 510.3 REGULATIONS AND MAXIMUM AREA FOR SIGNS.

A. Address Sign ~~No Permit Required~~

1. Nonresidential Districts ó One (1) address sign not exceeding two (2) square feet and a maximum of four (4) feet in height shall be permitted for each business in a nonresidential district.
2. Residential Districts ó One (1) address sign not exceeding two (2) square feet and a maximum of four (4) feet in height shall be permitted for each

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dwelling or use authorized by Section 410.3 (B) & (C) in a residential district.

B. Awning Canopy Sign Permit Required

See Wall Sign

C. Billboard Permit Required also see Section 510.8 A

All billboards shall conform to the following: Not more than one billboard shall be located on a lot. A billboard shall not be located nearer than 2,500 feet from another billboard. Billboards located within 3,000 feet of the right-of-way of Interstate 71 or any state route shall comply with all applicable federal and state regulations including O.R.C. § 5516.06 and § 5516.061.

1. Nonresidential Districts ó Billboards in nonresidential districts shall be regulated as a business use. Billboard shall not exceed thirty-two (32) square feet or a height of eight (8) feet. Such sign shall be located a minimum of forty (40) feet from the street right-of-way, twenty-five (25) feet from the side and rear property lines and 100 feet from a residential district.
2. Residential Districts ó Billboards in residential districts shall be regulated as a business use on land used for agricultural purposes. A billboard shall not exceed twenty-four (24) square feet in area and six (6) feet in height. Such sign shall be located a minimum of forty (40) feet from the street right-of-way, and 100 feet from the side and rear lot lines.

D. Directional Sign Permit Required (Revised 8/11/11)

Directional signs in all districts shall:

1. Not exceed four (4) square feet and shall not exceed four (4) feet in height as measured from the normal grade;
2. Be located outside of the street right-of-way line;
3. Be located no closer than ten (10) feet from any side lot line bordering a nonresidential district, and/or no closer than twenty-five (25) feet from any side lot line bordering a residential district; and
4. Be located on the same property as the business/use.

E. Ground Signs Permitted (also see Section 510.8 A)

All ground signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots. Neither the landscaping nor the ground sign shall obstruct the view of vehicles entering or exiting the property.

1. Nonresidential Districts (Revised 01/12/17)

All ground signs in nonresidential districts shall conform to the following:

- a) A maximum of two (2) sign faces, either as a double-sided ground sign or as two (2) single-sided ground signs, shall be permitted per nonresidential development and shall be located at the main access off of the public road.

One (1) additional ground sign shall be permitted for a corner lot when the total lot frontage of all streets equals or exceeds 300 feet.

When a ground sign is located on a lot with more than one tenant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor tenant, all tenants, or some combination thereof;

- b) Except as permitted below, a ground sign shall not exceed thirty-two (32) square feet and shall not exceed a height of ten (10) feet. A ground sign may have up to 75 percent of the permitted sign area devoted to changeable copy.

When an additional ground sign is permitted for a corner lot as determined by Section 510.3 E. 1. a), the combined total sign area shall not exceed fifty-six (56) square feet, and the square footage of any one sign shall not exceed thirty-two (32) square feet;

- c) A lot in the Highway Commercial District with frontage on S.R. 18 shall be permitted to have a ground sign along the frontage on S.R. 18 that does not exceed fifty (50) square feet and does not exceed a height of twenty (20) feet. The ground sign may have up to 75 percent of the permitted sign area devoted to changeable copy.

When an additional ground sign is permitted for a corner lot as determined by Section 510.3 E. 1. a), the combined total sign area

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shall not exceed eighty-two (82) square feet. The ground sign along the street that does not have frontage on S.R. 18 shall not exceed thirty-two (32) square feet and shall not exceed a height of ten (10) feet;

- d) Ground signs shall be located no closer than ten (10) feet from the street right-of-way line. Ground signs shall be located no closer than ten (10) feet from any side lot line bordering another nonresidential district. When a side lot line of a nonresidential district coincides with a residential zoning district boundary line, the minimum side setback shall be twenty-five (25) feet.

2. Residential Districts

Grounds signs in residential districts shall be permitted:

- a) At the entrance to a residential subdivision, planned neighborhood development or planned residential development a maximum of two (2) sign faces, either as a double-sided ground sign or as two (2) single-sided signs, shall be permitted; and/or
- b) For authorized nonresidential uses as permitted in Section 410.3 B. & C. and may have up to 75 percent of the permitted sign area devoted to changeable copy.

All ground signs in residential districts shall conform to the following:

- a) Ground signs shall not exceed twenty-four (24) square feet and shall not exceed a height of six (6) feet.
- b) Ground signs shall be located no closer than ten (10) feet from the street right-of-way line. Such sign shall be located no closer than twenty-five (25) feet from any side lot line.

F. Interstate Pole Sign Permitted Required also see Section 510.8 A

- 1. Nonresidential Districts Interstate pole signs shall only be permitted in the Highway Commercial District. Any parcel (see lot) located in the Highway Commercial District within 660 feet of the Interstate 71 right-of-way may have one (1) interstate pole sign. The area of an interstate pole sign shall not exceed 160 square feet. An interstate pole sign shall be greater than twenty (20) feet in height and shall not exceed a height of 100 feet. Such sign shall

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be located within fifty (50) feet of the building or parking area. Interstate pole signs may have up to 100 percent of the permitted sign area devoted to changeable copy. The interstate pole sign shall be erected in a landscaped setting. (Revised 8/11/11; 01/12/17)

2. Residential Districts ó Not permitted.

G. Protecting Sign Permit Required

See Wall Sign

H. Public Purpose Safety Signs No Permit Required

1. Nonresidential Districts ó Permitted as provided by law.
2. Residential Districts ó Permitted as provided by law.

I. Temporary Signs

1. Nonresidential Districts ó (Permit Required):

The following regulations shall apply for temporary signs in nonresidential districts:

- a) **Temporary Development Signs** ó One (1) temporary ground sign shall be permitted at the entrance to a development on a lot proposed for nonresidential development. When a lot fronts on more than one (1) street, one (1) additional ground sign shall be permitted along each street frontage that equals or exceeds 300 feet. The temporary development sign shall not exceed thirty-two (32) square feet, and shall not exceed six (6) feet in height. Such sign shall be located no closer than ten (10) feet from any street right-of-way and twenty-five (25) feet from a side lot line. Such sign shall be erected and maintained on a lot only during the period of time that the vacant lot is for sale, rent or lease or the building project is under construction.
- b) **Temporary Window Signs** ó Temporary window signs shall be attached to the interior of the building. The signage affixed to the window or visible from the outside shall not exceed 20 percent of the total glass area of windows on the first floor of the wall of the building frontage. For the purpose of these regulations, the height of the windows on the first floor shall be that portion of window(s) within fifteen (15) feet of grade. This area is in addition to the allowable sign

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area for permanent window signs. All temporary window signs shall be displayed for a period of time not to exceed thirty (30) days and a maximum of sixty (60) days in a twelve (12) month period.

- c) **Special Event Signs** ó One (1) temporary special event sign, either a ground sign or a banner attached to the front of the building, shall be permitted. Such sign shall not exceed twenty-four (24) square feet. A ground sign shall not exceed a height of four (4) feet. Temporary special event signs shall be displayed for a period of time not to exceed fourteen (14) days and a maximum of sixty (60) days in a twelve (12) month period. (Also see Section 330.4)
- d) **Other Temporary Signs** ó In addition to the above, each business shall be permitted to erect one (1) additional temporary sign not to exceed six (6) square feet and four (4) feet in height. Such sign shall be displayed for no longer than thirty (30) days and a maximum of sixty (60) days in a twelve (12) month period.

2. Residential Districts ó

The following regulations shall apply for temporary signs in residential districts:

- a) **Temporary Development Sign (Permit Required)** ó One (1) temporary ground sign shall be permitted at the entrance to a residential subdivision, planned neighborhood development, or planned residential development. When a lot fronts on more than one (1) street, one (1) additional ground sign shall be permitted along each street frontage that equals or exceeds 300 feet. Temporary development signs shall not exceed twenty-four (24) square feet, and shall not exceed six (6) feet in height. Such sign shall be located no closer than ten (10) feet from any street right-of-way and twenty-five (25) feet from a side lot line. Such sign shall be erected and maintained only during the period of time that the subdivision/development is under construction.
- b) **Temporary Residential Sign (No Permit Required)** ó Each residential unit shall be permitted to erect either a temporary window sign or ground sign in the front yard. Such temporary sign shall not exceed six (6) square feet and shall not exceed a height of four (4) feet. A temporary ground sign shall be located no closer than ten (10) feet from a public right-of-way and twenty-five (25) feet from a side lot

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line. Such temporary residential signs shall be displayed for no longer than thirty (30) days.

- c) Temporary Signs for Uses Authorized by Section 410.3 (B) & (C) (Permit Required) ó One (1) temporary ground sign or one banner attached to the front of the building, shall be permitted. Such temporary sign shall not exceed twenty-four (24) square feet. A temporary ground sign shall not exceed six (6) feet in height. Such sign shall be located no closer than ten (10) feet from the street right-of-way line and twenty-five (25) feet from a side lot line. Temporary signs for uses authorized by Section 410.3 (B) & (C) may be displayed for a period of fourteen (14) days not more than three (3) times per calendar year. Special event signs may be permitted for a period longer than fourteen (14) days when the Board of Zoning Appeals approves an extended timeframe, pursuant to Section 330.4.

Wall Sign Permit Required

Nonresidential Districts ó

The following regulations shall apply for wall signs, projecting signs, and awning or canopy signs in nonresidential districts:

One and one-half (1.5) square feet of sign area per linear foot of building or building unit (see Sec. 510.2 C. 4.) frontage shall be permitted. Each building unit in a multiple-tenant building shall be permitted a maximum of thirty (30) square feet of wall signage along the building frontage. A single-tenant in a single-tenant building shall be permitted a maximum of eighty (80) square feet of wall signage along the building frontage. Minimum and maximum sign area shall be the sum of the areas of all signs attached to the building or a building unit, including wall signs, projecting signs, and awning or canopy signs.

- a) Corner Lots and Side and Rear Entrance ó Additional area for wall signs shall be permitted for corner lots and side and rear entrances when a building has a secondary building frontage as defined in Section 510.2 C. The additional sign area shall not exceed 75 percent of the maximum permitted area. The total sign area shall be distributed along the primary and secondary building frontages; however, the signage on any one (1) wall shall not exceed the maximum allowed for that wall based on the building frontage.

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2. Residential Districts ó Not Permitted.

□. **Window Signs** **Permanent** **Permitted**

1. Nonresidential Districts ó Permanent window signs in nonresidential districts shall only be permitted in the Office, Community Business, Highway Commercial and Rural Commercial Districts. The signage permanently affixed to the window shall not exceed 20 percent of the total glass area of windows on the first floor of the wall of the building frontage. For the purpose of these regulations, the height of the windows on the first floor shall be that portion of window(s) within fifteen (15) feet of grade.

2. Residential Districts ó Not Permitted.

L. Window Signs **Temporary** **See “Temporary Signs”**

Sec. 510.4 SIGNS EXEMPT FROM REGULATION.

The following signs shall be exempt from regulation under the Zoning Resolution.

- A. Any sign permitted by a valid and applicable federal, state or local law, regulation or resolution or state or federal case law. (Revised June 21, 2007)
- B. Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three feet beyond the building in which such sign is located.
- C. Signs that are an integral part of the original construction of vending or similar machines, fuel pumps or similar devices.

Sec. 510.5 PROHIBITED SIGNS.

All signs not expressly permitted in this Chapter or exempt from regulation pursuant to Sec. 510.10 are prohibited in the Township. Such signs include but are not limited to the following:

- A. Animated, flasher, blinker, racer type, intermittent, video, tri-vision, or similar devices, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, except those exempt under the previous Section, and other similar types of attention-getting devices (Revised June 21, 2007);

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- B. Banners and flags except as otherwise permitted in this Chapter.
- C. Signs on temporarily placed vehicles;
- D. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals.
- E. Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.
- F. Signs mounted on the roof of any building or structure.
- G. Signs located in the public right-of-way or which obstruct traffic. (Revised 10/28/10)
- H. Signs, other than those exempt under the previous Section, attached to a utility pole, tree, trash receptacle, bench, wind energy conversion system, or other structure not intended or approved as a sign support. (Effective June 21, 2007; Revised 10/28/10)

Sec. 510.6 CRITERIA FOR THE DESIGN AND CONSTRUCTION OF SIGNS.

In addition to ensuring compliance with the numerical standards of these regulations, the Zoning Commission or Zoning Inspector shall consider the proposed general design arrangement and placement of the sign according to the following criteria:

- A. Illumination. (Also see Chapter 530, Section 530.8) Signs shall be permitted to be illuminated in compliance with the following:
 - 1. Signs may be illuminated by internally or reflected light provided that:
 - a) Light sources shall be shielded from all adjacent buildings and streets.
 - b) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential districts.
 - 2. Signs shall not be lighted to obstruct traffic control or any other public signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.
- B. Construction Standards. (Revised June 21, 2007)
 - 1. All signs shall be constructed in a professional manner in conformance with the appropriate building code and other applicable requirements of the

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Township and shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

2. Except for banners, flags, temporary signs and window signs that conform in all respects with the requirements of this Resolution, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
3. All signs shall be rigidly secured and no sign shall swing from a bar, crane, awning or other sign. No part of any sign shall be revolving, oscillating or otherwise designed to move.
4. No sign shall be erected so as to project over or obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress or egress of any building.
5. No sign shall be located on the roof of any building.
6. Permanent signs shall be fabricated on and of materials that are of good quality, good durability and are complimentary to the building of which they become a part.
7. Temporary signs shall be durable and weather-resistant, non-illuminated and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.

Sec. 510.7 MAINTENANCE.

All signs shall be maintained in accordance with the following:

- A. The property owner shall maintain the sign in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.
- B. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:
 1. There shall be no alteration or remodeling to the structure or the mounting of the sign itself.
 2. There shall be no enlargement or increase in any of the dimensions of the sign or its structure.

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3. The sign shall be accessory to a legally permitted, conditional or nonconforming use.
- C. The Zoning Inspector may order any sign to be painted or refurbished at least once each year, if needed to keep the sign in a neat and safe condition. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition, and it shall be unlawful for the owners or person having charge of such sign not to remove the same after receiving notice from the Zoning Inspector.
 - D. Any sign that is deemed by the Zoning Inspector to be in an unsafe condition or constructed, erected or maintained in violation of this Zoning Resolution, the owner of the business shall be immediately notified, in writing, and shall, within 48 hours of such notification, correct such unsafe condition, initiate corrective action, or remove the sign.

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Sec. 510.8 ADMINISTRATION PROCEDURES.

- A. ODOT Permit Requirements. Any sign subject to regulation by the Ohio Department of Transportation (ODOT) under Ohio Revised Code Chapter 5516 and which is required to obtain a state permit shall not be issued a zoning certificate without evidence that the state permit has first been issued, or notification from ODOT that a state permit is not required.
- B. Sign Application Requirements. An application for a sign permit shall be made to the Zoning Inspector and shall include the following:
 - 1. Detailed drawings of the sign showing the color, design, size, background, and materials of the sign and the frame or structure; and
 - 2. A complete building sketch or photograph showing the location of the sign and its relationship to the building, the site, the adjacent parcels and parking lots, drives and sidewalks;
 - 3. A permit fee for each sign application, pursuant to the current fee schedule.

Sec. 510.9 ALTERATION AND REMOVAL OF NONCONFORMING SIGNS.

- A. Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance pursuant to Sec. 510.13, shall conform to all requirements of this Chapter:
 - 1. When more than 50 percent of the value of the sign has been destroyed, deteriorated or has been taken down;
 - 2. When the use which the nonconforming sign has voluntarily not been used for and been vacant for 2 consecutive years, it then can be ordered removed.
- B. A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this Chapter except:
 - 1. When the existing use has new ownership which results in a change in the name of the use or business on the property;
 - 2. When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation; or
 - 3. When alterations do not require changes to the structure, framing, or erection or relocation of the sign unless such changes conform to this Chapter.

CHAPTER 520
Off-Street Parking and Loading Regulations

520.1	Purpose.	520.8	Parking design standards.
520.2	Parking facilities required.	520.9	Location requirements.
520.3	Units of measure.	520.10	Regulations for access drives.
520.4	Off-street parking standards.	520.11	Off-street loading requirements.
520.5	Allowance for shared parking.	520.12	Improvement and maintenance standards.
520.6	Deferred construction of required spaces.	520.13	Parking lot landscaping and screening.
520.7	Off-street waiting spaces for drive-thru facilities.	520.14	Development plan review.

Sec. 520.1 PURPOSE.

The following regulations specify the manner in which off-street parking and loading areas and the driveways providing access thereto are to be provided for uses in Montville Township. On state highways within the township Ohio Department of Transportation's Access Management Regulations have priority and on county highways within the township the Medina County Highway Engineers Office has priority. The purpose of these regulations is to protect the public health, safety, convenience, comfort, prosperity, or general welfare by requiring that all uses be provided with off-street parking areas or a combination of off-street parking areas and loading areas and that such areas be improved in a manner that ensures the long-term desirability of the use to which they are accessory.

Sec. 520.2 PARKING FACILITIES REQUIRED.

Accessory off-street parking spaces shall be provided in conformance with the provisions of this Chapter prior to occupying or using any building, structure, land or portion thereof whenever:

- A. A building is constructed or a new use is established;
- B. An existing building is altered and/or there is an increase in the number of dwelling units, seating capacity and/or floor area of a building; or
- C. The use of an existing building or structure or use of land is changed to a use that requires more off-street parking facilities.

Sec. 520.3 UNITS OF MEASURE.

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

- A. Floor Area. Where floor area is designated as the standard for determining parking space requirements, net floor area that services the public will be used.
- B. Seating Capacity. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or one seat for each 24 lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one seat for each 20 square feet of floor area of the assembly room.
- C. Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two consecutive shifts.
- D. Fractional Numbers. Fractional numbers over one-half shall be increased to the next whole number.
- E. Parking for Mixed Uses. A building occupied by two or more uses, or one use that has specific parking requirements for different components of the use, operating normally during the same hours, shall provide spaces for not less than the sum of the parking spaces required for each use considered separately.

Sec. 520.4 OFF-STREET PARKING STANDARDS.

The number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 520.4 below. For a use not specified in Schedule 520.4, the Zoning Commission shall apply the standard for a specified use that the Commission determines to be most similar to the proposed use. No parking, loading or servicing shall be permitted in any public street right-of-way.

Section 520.4
Required Off-Street Parking Spaces

Principal Building or Use

Minimum Spaces Required

- A. Residential Uses: (Revised 09/10/09)
1. Dwelling, Detached single-family 2 spaces per dwelling unit, both of which shall be enclosed
 2. Dwelling, Detached cluster single-family and attached single-family 4 spaces per dwelling unit and 2 shall be enclosed with guest parking at a ratio of 1 space for every 5 dwelling units
 3. Congregate care facilities, including assisted living 1 space for every 2 beds, plus 1 space for every 3 employees
 4. Group and family homes for handicapped persons 1 space for every 2 beds
- B. Office and Medical Uses:
1. Business, professional and administrative offices (excluding medical and dental), financial establishments 1 space per 250 sq. ft. of floor area
 2. Hospitals 1 space for every 2 beds, plus 1 space for every 3 employees
 3. Medical, dental offices and clinics, including urgent care clinics 1 space per 200 sq. ft. of floor area
 4. Research and testing laboratories 1 space per 400 sq. ft. of floor area
- C. Retail and Service Uses: (Revised 09/10/09)
1. General retail/service uses in completely enclosed buildings (except as otherwise specified below) 5 spaces per 1,000 sq. ft. (NFA) up to 20,000 sq. ft. (NFA). 20,001 or greater of (NFA) 6 4 spaces per 1,000 sq. ft.
 2. Shopping Centers 4 spaces per 1,000 sq. ft. (GFA) and for every 1,000 sq. ft. of (NFA) 200 sq. ft. of landscaped area required in addition to the requirements set forth in Chapter 530.
 3. Beauty salons and barber shops 2 spaces per beauty or barber chair

Principal Building or Use

Minimum Spaces Required

4. Business services (cleaning and copying services, repair shops)	1 space per 300 sq. ft. of floor area
5. Funeral home, mortuary	1 space per 50 sq. ft. of floor area of assembly room or 1 space for every 4 seats, whichever is greater, plus one space for every vehicle maintained on the premises
6. Hotels and motels	1 space per guest room or suite, plus 1 space for every 2 employees
7. Instructional studios (karate, music, dance, exercise)	1 space per 150 sq. ft. of floor area plus 1 space for every 2 employees
8. Restaurants serving food and drink	1 space per 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater, plus one space for each delivery vehicle
9. Roadside stands	2 spaces
10. Veterinary clinic	1 space per 400 sq. ft. of floor area, plus 1 space for every 2 employees
D. <u>Automotive/Transportation Uses:</u>	
1. Agricultural equipment and implement sales and service	1 space per 400 sq. ft. of floor area of sales room plus 1 space for each service stall in the service area and 1 space per employee
2. Automobile and truck sales and rental	1 space per 400 sq. ft. of floor area of sales room plus 1 space for each service stall in the service area and 1 space per employee
3. Automobile service station and vehicle repair garage	1 space per employee plus 2 spaces per service bay
4. Car wash facility	1 space per employee
5. Gasoline station plus applicable retail space.	1 space per employee

Principal Building or Use

Minimum Spaces Required

E. Recreation / Open Space Uses:

- | | |
|--|--|
| 1. Bowling alley | 4 spaces for every lane |
| 2. Golf course, private, public, or semi-private (Revised 1/13/11) | 8 spaces per green |
| 3. Golf driving range | 2 spaces per tee |
| 4. Indoor theater | 1 space for every 3 seats of seating capacity |
| 5. Miniature golf course | 2 spaces per hole |
| 6. Outdoor stadium | 1 space for every 4 seats of seating capacity |
| 7. Sports fitness center | 1 space per 200 sq. ft. of exercise area, including locker and equipment rooms |
| 8. Swimming pool, public and private (not associated with a residence) | 1 space per 50 sq. ft. of defined active recreation area, including but not limited to water, lawn, deck and bathhouse |
| 9. Tennis courts | 4 spaces per court |

G. Community / Educational Facilities:

- | | |
|---|--|
| 1. Assembly hall, meeting place, party center | 1 space for every 4 seats of seating capacity |
| 2. Child and adult day care facilities | 1 space per 8 children or adults, based on center's regulated maximum capacity |
| 3. Churches and other places of worship | 1 space for every 3 seats of seating capacity in the principal assembly area |
| 4. Clubs, lodges, fraternal, charitable or social organizations | 1 space per 150 sq. ft. of floor area in the dining room plus 1 space for every 3 seats in the assembly room |
| 5. Elementary, Middle and High Schools | Parking spaces shall be of sufficient quantity as to meet the needs of the school. No parking, loading or servicing shall be done on the street right-of-way or landscaped area. |

- | | | |
|----|-----------------------------------|--|
| 6. | Institutions for higher education | 1 space for every 2 instructors, employees and administrators, plus 1 space for every 4 students, plus 1 space for every 3 seats in the principal auditorium |
|----|-----------------------------------|--|

Principal Building or Use

Minimum Spaces Required

- | | | |
|----|-----------------|---------------------------------------|
| 7. | Library, museum | 1 space per 500 sq. ft. of floor area |
|----|-----------------|---------------------------------------|

Sec. 520.5 ALLOWANCE FOR SHARED PARKING.

The Zoning Commission may approve a development plan with a reduction in the number of parking spaces required, if it can be shown that the lesser number of spaces is appropriate and consistent with these regulations and when it is determined that:

- A. In a mixed-use project or a single-use project for which the different components of the use have varying peak demands, the uses can be adequately accommodated with a lesser number of parking spaces than that which is required based on the sum of the various uses computed separately.
- B. The required parking spaces for a proposed use can be accommodated on an adjacent or nearby site within 500 feet of the proposed use and binding arrangements are made to share the parking facilities between two or more businesses or establishments that are not normally open, used or operated during the same hours. In such case not more than 50 percent of the required parking spaces may be shared.

Sec. 520.6 DEFERRED CONSTRUCTION OF REQUIRED SPACES.

If the number of parking spaces required in Schedule 520.4 is substantially larger than the number anticipated by the applicant for the proposed use and the applicant provides sufficient evidence that supports the reduced parking needs, a development plan may be approved with an allowance for the construction of a lesser number of parking spaces provided that:

- A. The total number of spaces initially constructed shall not be less than 70 percent of the spaces required by Schedule 520.4.
- B. Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Schedule 520.4. Such suitable areas shall be illustrated on the development plan in locations and with landscaping in full compliance with this Resolution.

- C. The Zoning Commission shall re-evaluate the project's parking needs, and may direct that some or all of the parking spaces identified in subsection B be constructed.
- D. Any changes in use shall require compliance with the parking needs for the parcel.
- E. When additional parking is determined necessary, it shall be provided according to the approved development plan.

Sec. 520.7 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES.

Drive-thru establishments and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street waiting spaces on the same lot as the use which are in addition to the required number of parking spaces specified in Schedule 520.4. The number of parking spaces shall comply with the following requirements:

A. Minimum Number of Waiting Spaces by Type of Use/Establishment:

- | | |
|---|--|
| 1. Establishments serving and/or selling food and/or drinks: | 10 waiting spaces |
| 2. Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure: | 10 waiting spaces |
| 3. Facilities with service windows or service entrances such as banks, ticket booths, drive-up ATM machines and other similar facilities: | 10 waiting spaces, but not less than 6 spaces per window or stall when there are 2 or more windows or stalls |
| 4. Self-serve car wash facilities: | 2 waiting spaces per stall |
| 5. Gasoline stations: | 2 waiting spaces per accessible side of a gasoline pump island |

B. Waiting in Right-of-Way Prohibited. At no time shall vehicles be permitted to wait within the public right-of-way for service at such drive-thru facilities.

C. Waiting Space Dimensions. Each off-street waiting space shall have an area not less than 144 square feet (measuring 8 feet by 18 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

Sec. 520.8 PARKING DESIGN STANDARDS.

Off-street parking areas shall be designed and constructed in accordance with the minimum dimensions set forth below.

- A. Dimension of Parking Spaces. Each off-street parking space shall have an area of not less than 200 square feet (measuring 10 feet by 20 feet), exclusive of access drives or aisles.
- B. Circulation Aisles. The minimum width of a circulation aisle shall be:
 - 1. 22 feet for 90° for perpendicular parking spaces on a double-loaded aisle;
 - 2. 18 feet for 60° parking spaces with a one-way aisle; and
 - 3. 13 feet for 45° parking spaces with a one-way aisle.
- C. Parking Spaces for the Disabled. All new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces that are designed and constructed to be readily accessible to persons with disabilities in compliance with the Americans with Disabilities Act (ADA) of 1990.

Sec. 520.9 LOCATION REQUIREMENTS.

The location of off-street parking facilities shall comply with the following.

- A. Parking spaces required for dwelling units shall be located on the same lot as the dwelling unit served. Required guest parking in a development shall be equally distributed throughout the development. (Revised 09/10/09)
- B. Parking spaces for nonresidential uses shall be located on the lot or within 500 feet of the use measured along lines of public access to the property, but shall not be allowed in residential districts except as a conditional use in compliance with Chapter 450.

Sec. 520.10 REGULATIONS FOR ACCESS DRIVES.

The location, width and number of entrance and exit access drives to accessory parking spaces shall be provided in accordance with the following:

- A. Location. Access drives shall be located so that they interfere as little as possible with the use of adjacent residential property, the flow of traffic on adjacent streets, and to avoid undue interference with pedestrian access to street corners.
 - 1. Access drives on corner lots shall be located as far from the street intersection as practicable.

2. For parking areas having a capacity of 10 or more vehicles, the center line of the access drive apron shall be located not less than 75 feet from the nearest street intersection right-of-way line.
 3. Access drives shall be located not less than 75 feet from another access drive, measured from the edge of the pavement.
- B. Number of Access Drives.
1. Parking areas having a capacity of 25 spaces or less shall have one combination entrance/exit drive.
 2. Parking areas having a capacity of more than 25 spaces shall be provided with not more than two access drives and, whenever possible, the access drives should be limited to one-way only drives.
 3. When a lot exceeds 200 feet in width, one additional two-way drive or a pair of one-way drives may be permitted.
- C. Width. The width of access drives shall comply with the following:
1. Driveways for single-family detached and attached dwelling units shall be not less than twelve (12) feet in width. (Revised 01/12/17)
 2. The width of access drives for non-residential uses shall not be less than 12 feet for a one lane access drive or 24 feet for a two lane access drive at the right-of-way line. (Revised 06/21/07 and 09/10/09)
 3. One-way entrances and exits shall be limited to two lanes and all other access drives shall not exceed three lanes.
- D. Radius. The radius of the edge of the access drive apron shall be at least 30 feet so that a vehicle may enter from or exit onto the curb lane without obstructing vehicles in other traffic lanes.

Sec. 520.11 OFF-STREET LOADING REGULATIONS.

When off-street loading spaces are provided for commercial buildings, they shall comply with the following regulations (Revised 09/10/09):

- A. All loading spaces shall be located on the same lot as the use served and no part of any required yard, off-street parking area, or access drive, shall be used for loading or unloading purposes.
- B. Loading spaces shall be located in the side or rear yard in compliance with the requirements of this Section.

- C. Access to truck loading and unloading space shall be provided directly from a public street or alley or from a right-of-way in a manner that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.
- D. Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.
- E. Off-street loading spaces shall not be used for repair or servicing of motor vehicles.
- F. Loading spaces, when provided, shall be in addition to the off-street parking spaces required under Schedule 520.4, and shall not be considered as meeting the off-street parking spaces required herein.

Sec. 520.12 IMPROVEMENT AND MAINTENANCE STANDARDS.

All off-street parking and loading facilities including parking spaces, loading spaces, waiting spaces, access drives and aisles shall be provided in accordance with the following improvement standards and specifications:

- A. Paving. All parking and loading areas, access drives, circulation aisles and private driveways shall be improved with bituminous, concrete or equivalent surfacing. Such paving material and base materials related thereto shall be capable of supporting all anticipated loads without damage. The owner shall, at his own expense, maintain the surface in a smooth and dust-free condition and repair any disintegration of the surface by patching or resealing when such disintegration takes place.
- B. Drainage. All parking areas shall be graded, drained and provided with adequate drainage facilities so that the adjacent properties and rights-of-way, including public sidewalks, are not be subject to flooding by water run-off from the proposed parking area.
- C. Lighting. Parking areas and loading areas shall be thoroughly illuminated whenever necessary to protect the public safety as determined by the Zoning Commission. All lighting used to illuminate such areas shall be so arranged as to direct the light away from adjoining residential districts and streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.
 - 1. No open light sources such as the stringing of light bulbs shall be permitted.
 - 2. The setback for light poles in Office, Retail, and Commercial Districts shall comply with the parking lot setback for the district in which the lot is located.
- D. Curbs and Wheel/Bumper Guards. Curbing, wheel guards or bumper guards, as may be necessary, shall be provided in connection with any off-street parking area for 5 or

more cars to define parking areas, contain the cars on sloping surfaces, and prevent bumper over-hang or other encroachment into the required aisles and spaces.

- E. Marking. Any off-street parking area for 5 or more parking spaces shall indicate the location of each parking space, the location of spaces for persons with disabilities, and the location and direction of movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.
- F. Signs. Signs shall be provided in accordance with Chapter 510.
- G. Maintenance. Parking areas, loading spaces and access drives shall be maintained free from rubbish. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.

Sec. 520.13 PARING LOT LANDSCAPING AND SCREENING.

Off-street parking and loading facilities shall be screened and landscaped in accordance with the requirements of Chapter 530.

Sec. 520.14 DEVELOPMENT PLAN REVIEW.

Any off-street parking area, loading area, circulation aisle, or access drive for a use other than a single-family dwelling, which is constructed, reconstructed or changed as to location, materials, or drainage facilities requires the submission of a development plan according to the procedures specified in Chapter 720.

Sec. 520.15 EMERGENCY ACCESS

Any parking plan shall allow for unimpeded access by governmental services including fire, EMS, police, etc.

**CHAPTER 530
Landscaping, Screening and Outdoor Lighting Regulations**

530.1	Purpose.	530.8	Outdoor lighting.
530.2	Applicability.	530.9	Landscaping between non-single-family uses
530.3	Landscaping plan submission requirements.	530.10	Screening and buffering of residential uses.
530.4	Landscaping along streets in commercial districts.	530.11	Landscaping materials and standards.
530.5	Interior parking lot landscaping.	530.12	Maintenance of landscaping.
530.6	Screening of loading areas, outside storage areas and other service areas.	530.13	Approval process for required landscaping, fences and walls.
530.7	Building façade landscaping.		

Sec. 530.1 PURPOSE.

Landscaping and screening shall be provided for the following purposes:

- A. To remove, reduce, lessen or absorb the impact between one use or zone and another;
- B. To soften the outline of buildings and to break up and reduce the impact of large parking areas;
- C. To provide interest and lessen the monotony of the streetscape;
- D. To create a visual and/or physical barrier between conflicting, incompatible and/or visually undesirable land uses and to obscure the view of outdoor storage, rubbish areas, dumpsters, parking and loading areas;
- E. To provide protection from soil erosion; and
- F. To screen glare and reduce noise levels emanating from a site.
- G. Outdoor lighting design and fixtures shall be harmonious with surrounding community design.

Sec. 530.2 APPLICABILITY.

- A. The minimum landscaping, screening and buffering requirements set forth in this Chapter shall be applicable to all development set forth below:

1. All new commercial development on vacant lands;
 2. All new development of conditional uses;
 3. All new residential developments. (Revised 09/10/09)
 4. Whenever additional buildings or building additions are proposed for a site that is currently developed with a commercial, conditional, attached single-family use; or,
 5. Whenever currently developed sites are to be modified by any change in use, vehicular circulation, and/or parking area design.
- B. Sections 530.4 through 530.10 establish numerical requirements and standards that carry out the purposes of Chapter 530. However, it should be recognized that existing vegetation and other natural features may also adequately achieve the intended standards and objectives of each section, and precise compliance with all of the numerical standards may be preempted or unnecessary because of existing or proposed conditions on the site or adjacent property. Therefore, when complying with this Chapter the Township may permit, as determined by the Zoning Commission, the flexible arrangement of the plant material to best achieve the intent of this Chapter and the purposes of the numerical standards, to preserve existing natural features, and to assure that other health and safety objectives and standards of the Township or any other regulatory agency are not compromised.

Sec. 530.3 LANDSCAPING PLAN SUBMISSION REQUIREMENTS.

A development listed in Section 530.2 shall submit for review and approval a landscaping and screening plan in accordance with the final development plan submission requirements set forth in Sec. 720.5.

- A. Landscaping and screening plans shall be prepared by a person knowledgeable in landscape design and construction such as a professional nurseryman, a professional landscaper or a landscape architect.
- B. All walls, fences, deciduous trees, evergreens, hedges and shrubs used to fulfill the requirements set forth in this Chapter shall be so indicated and identified on the landscaping and screening plan.

Sec. 530.4 LANDSCAPING ALONG STREETS IN COMMERCIAL DISTRICTS.

The area within the required building and parking setback, excluding driveway openings, shall be landscaped and maintained with the following minimum requirements:

- A. A landscaping strip shall be provided along any portion of a lot that abuts a street right-of-way, interrupted only by points of vehicular or pedestrian access.
- B. The minimum width of the landscaping strip on all non-residential streets shall be:
 - 1. 30 feet for lots in non-residential districts;
 - 2. An elevated earth berm with a minimum height of three (3) feet measured from the finished elevation of the street centerline.
- C. Within this area, the following plant material shall be provided:
 - 1. Four (4) deciduous trees and thirty (30) shrubs shall be planted for every 100 linear feet of lot/development frontage or fraction thereof, not including drive entrances.
 - 2. An elevated earth berm with a minimum height of three (3) feet measured from the finished elevation of the street centerline planted with three (3) deciduous trees and six (6) shrubs may be provided as an alternative.
- D. All areas not otherwise devoted to trees and shrubs shall be planted with grass, ground covers or other live landscape treatment, excluding paving or gravel.
- E. Plantings or earthen berms along a public street shall not block or interfere with sight distance at street/drive intersections or corner lots in accordance with Section 330.3, nor shall any such plantings or earthen berms contribute to the additional accumulation of snow within the public right-of-way.
- F. Landscaping materials used along streets and sidewalks shall not be fruit or nut bearing nor shall they have thorns or briars that interfere with pedestrians.
- G. Additional Screening Required. Whenever the lot required to provide screening and buffering has a lower elevation than the abutting street, the height of the required screening shall be sufficient to adequately screen the site. The Zoning Commission may, in its review of the landscaping plan, require more than the minimum requirements specified in this section in order to accomplish the desired screening effect.

Sec. 530.5 INTERIOR PARKING LOT LANDSCAPING.

Interior landscaping of parking lots shall be provided in accordance with the following requirements:

- A. For any parking area designed to accommodate 40 or more vehicles, a minimum of five percent (5%) of the parking lot shall be planted as landscaped island areas.

- B. Landscaped islands shall be developed and distributed throughout the parking lot to define major circulation aisles and driving lanes; and to provide visual and climatic relief from broad expanses of pavement.
- C. Each island shall be a minimum of nine (9) feet in any horizontal dimension;
- D. There shall be a minimum of one deciduous tree provided for every 12 parking spaces; such trees shall be planted within the required landscaped islands.
- E. Shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.
- F. Landscaped areas adjacent to the perimeter of the parking area shall not be counted as interior parking lot landscaped areas.
- G. For the purpose of this Section, the area of a parking lot shall be the total vehicular surface area including circulation aisles.

Sec. 530.6 SCREENING OF LOADING AREAS, OUTSIDE STORAGE AREAS AND OTHER SERVICE AREAS.

The following accessory uses/areas shall be screened from any adjacent street or adjoining property in order to prevent direct views of loading areas, outdoor storage areas, service areas, and associated service driveways from adjacent properties or from the public right-of-way when viewed from ground level.

- A. Each loading area and outdoor storage area shall be screened along any perimeter that faces a street right-of-way or adjoining property. Screening shall consist of:
 - 1. An opaque ornamental fencing or wall that is architecturally compatible with the principal building on the lot, having a minimum height of six (6) feet, or
 - 2. Dense staggered evergreen planting consisting of a double row of evergreen trees, spaced a minimum of 15 feet on center, of sufficient quantity and having a minimum height of six (6) feet, to completely screen the above areas.
- B. Dumpsters shall be enclosed on all four sides by an opaque fence or wall having a minimum height of six (6) feet.

Sec. 530.7 BUILDING FAÇADE LANDSCAPING.

Every building in commercial, districts and conditional uses in residential districts shall be provided with landscaped materials along its façade according to the following (Revised 09/10/09):

- A. At least 75% of the building façade shall be landscaped, and such landscaping shall be located within 20 feet of the building façade.
- B. Landscaping materials shall include a combination of deciduous trees, evergreens, hedges, shrubs, annual and perennial flowers, and ground cover plantings.
- C. Deciduous trees shall be planted at a rate of three (3) trees for every 100 lineal feet of building façade.
- D. All portions of the landscaping strip not otherwise devoted to trees and shrubs shall be planted with grass, ground covers or other live landscape treatment, excluding paving or gravel, except that the area may be broken by entrance walks.

Sec. 530.8 OUTDOOR LIGHTING REGULATIONS.

The purpose of this section is to regulate the placement, orientation, distribution patterns and fixture types of outdoor lighting in the commercial districts and all nonresidential conditional uses and PRDs in the R-R, R-1, R-2, and R-3 Districts in order to preserve, protect and enhance the character of the Township and the lawful nighttime use and enjoyment of property located within the Township. (Revised 09/10/09)

- A. Appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to:
 - 1. Provide safety, utility and security.
 - 2. Control light trespass and glare on adjacent properties and public roadways.
 - 3. Reduce atmospheric light pollution.
- B. For the purpose of this Section, the following definitions shall apply.
 - 1. Footcandle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
 - 2. Full-shielded or full cut-off type fixture. An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture. See illustration below.

Illustration: Full cut-off lighting.



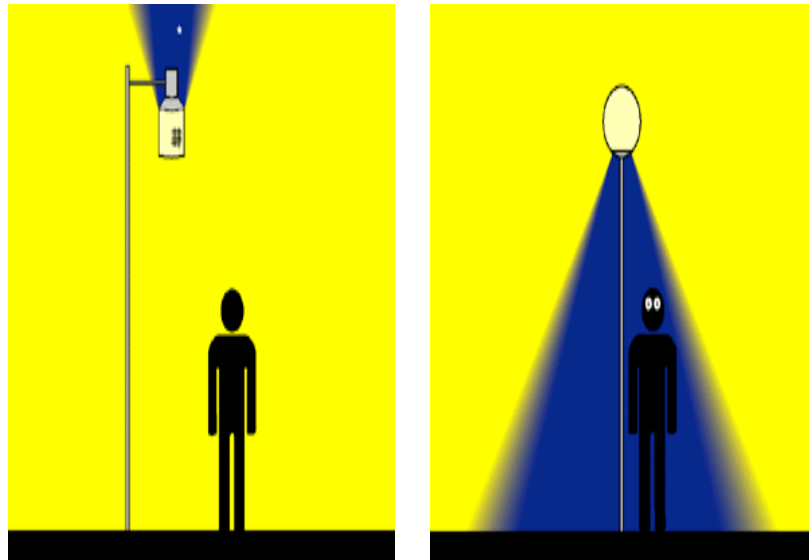
Full cut-off lighting directs light down and to the sides as needed.

University of Texas, Austin

3. Glare. Direct light that causes annoyance, discomfort or loss in visual performance and visibility.
4. Illuminance. The quantity of light arriving at a surface divided by the area of that surface, measured in footcandles.
5. Light trespass. Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.
6. Recessed ceiling fixture. An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.
7. Uplighting. Any light source that distributes illumination above a 90-degree horizontal plane. See illustration below.

C. General Requirements.

Illustration: Uplighting



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1. All outdoor lighting fixtures regulated according to this Section, including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, billboards, displays and landscaping, shall be full cut-off type fixtures.
 - a) Full-cut off fixtures shall be installed and maintained so that the shielding is effective as described in subsection B.2. above.
 - b) Automobile-oriented uses such as gasoline stations, service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy.
 - c) Signs that are wholly illuminated from within and freestanding signs that are externally illuminated with an exposed incandescent lamp not exceeding 25 watts do not require shielding.

2. Light trespass over a commercial property line shall be limited to no more than 0.5 footcandles at the property line. All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent property or building, or to cause glare onto any public street or vehicle thereon.
 3. Measurement.
 - a) Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
 - b) Measurements shall be taken at the commercial property line, along a horizontal plane at a height of three and one-half (3.5) feet above the ground.
 4. All non-essential outdoor lighting fixtures, including parking, sign, display and aesthetic lighting, shall be turned off after business hours. Only that lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.
 5. Light poles shall not exceed a height of twenty (20) feet.
 6. Mercury lighting shall be prohibited. (Revised 5/28/09)
- D. Exemptions.
1. Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt from the requirements of this Section.
 2. Temporary construction or emergency lighting is exempt from the requirements of this Section. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
 3. All outdoor lighting fixtures existing and legally installed prior to the effective date of this Section of the Zoning Resolution shall be exempt from the requirements of this Section. When existing lighting fixtures become inoperative, their replacements are subject to the provisions of this Section.
 4. Nothing in this Section shall apply to lighting required by the FAA or any other federal regulatory authority.

Sec. 530.9 LANDSCAPING BETWEEN NON-SINGLE-FAMILY USES.

Whenever a non-single-family use abuts another non-single-family use, the areas adjacent to any side or rear lot line that abuts the non-single-family use shall be landscaped and maintained with the following minimum requirements:

- A. A landscaping strip with a minimum width of ten (10) feet and a minimum length of 35 feet shall be provided adjacent to such side or rear lot line for every 70 feet of linear length of such side or rear lot line. Within each landscaping strip, one (1) deciduous tree or two (2) evergreen trees, and 30 shrubs shall be provided.
- B. Where existing vegetation occurs along the perimeter that satisfies the intent of this Section, a preservation strip with a minimum width of 15 feet may be substituted, provided no building or pavement is located within 25 feet of the preservation strip.
- C. Between adjoining commercial uses, landscaping beds shall be coordinated in order to provide a continuous landscaping strip along the perimeter. (Revised 09/10/09)

Sec. 530.10 SCREENING AND BUFFERING OF RESIDENTIAL USES.

(Revised 09/10/09 and 11/7/19)

Screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations.

- A. When Required. A buffer area shall be required when:
 - 1. A lot in any Commercial District abuts a Residential District;
 - 2. A lot is developed as part of a PRD; or
 - 3. A conditional use is located in a residential district.
- B. Width of Buffer Area. Each required buffer area shall have a minimum width as set forth below:
 - 1. When a Commercial District abuts a Residential District, the buffer area shall have a minimum width of 25 feet.
 - 2. When a lot is developed as part of a PRD, the buffer area shall have a minimum width of fifty (50) feet.
 - 3. When a conditional use is located in an R-R, R-1, R-2, or R-3 District, the buffer area shall have a minimum width of 20 feet.

- C. Screening. Screening within the buffer area shall consist of one (1) or a combination of two (2) or more of the following in order to form a solid continuous visual screen:
1. A dense vegetative planting incorporating deciduous trees, evergreens, and/or hedges of a variety that shall be equally effective in winter and summer.
 2. A non-living opaque structure such as a solid masonry wall, or a solid fence that is compatible with the principal structure.
 3. A fence with openings through which light and air pass together with a landscaped area at least ten (10) feet wide.
 4. A maintained, landscaped earthen berm at least ten (10) feet wide.
 5. Maintenance of the existing natural vegetation that, in its natural state, forms a screen with a height not less than six (6) feet and shall be equally effective in winter and summer.
- D. Height of Screening. The height of screening shall comply with the following:
1. Visual screening walls, fences, or earthen berms and fences in combination shall be a minimum of six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect.
 2. Vegetation shall be a minimum of six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than twelve months after the initial installation.
- E. Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the buffer area to maximize the screening effect. Trees, evergreens and/or hedges shall be adequately spaced and appropriately staggered to meet the screening objectives within two years after the initial installation. The landscaping plan shall indicate the specific type of option(s) to be used.
- F. Additional Screening Required. Whenever the lot required to provide screening and buffering has a lower elevation than the abutting residential parcel, the height of the required screening shall be sufficient to adequately screen the site from the adjacent residential lot, and the Zoning Commission may, in its review of the landscaping plan, require more than the minimum requirements specified in this Section in order to accomplish the desired screening effect.

Sec. 530.11 LANDSCAPING MATERIALS AND STANDARDS.

Walls, fences, plants, and mounds, when provided to meet the landscaping and screening requirements set forth in this Section shall comply with the following, subject to review and approval by the Zoning Commission.

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

- B. Plants. All plants shall be living and hardy within the United States Department of Agriculture's Hardiness Zone 5, and thriving in Medina County. Plant materials used in conformance with the provisions of this section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers can be planted as bare root as well as balled and burlapped or containers. All landscaping materials shall be free of noxious weeds, disease and pests. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the Township. The Township may seek the assistance of qualified landscape design professionals during the inspection of planted materials, when deemed necessary.
 - 1. **DECIDUOUS TREES.** Deciduous trees shall have a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches conforming to acceptable nursery industry procedures at the time of planting. For the purpose of these regulations, a deciduous tree shall be a tree normally growing to a mature height of 20 feet and a mature spread of at least 15 feet.
 - 2. **EVERGREEN TREES.** Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. Evergreen plantings shall be designed to provide an effective, dense screen within two (2) years of planting. White pine trees are not acceptable trees for screening/buffering purposes.
 - 3. **HEDGES.** Hedges shall be at least 36 inches in height at the time of planting. All hedges shall be designed to provide an effective, dense screen and mature height of at least six (6) feet within four (4) years after the date of the final approval of each planting when used for perimeter landscaping or screening applications.
 - 4. **SHRUBS.** A shrub shall be defined as a woody plant smaller than a tree consisting of several small stems from the ground or small branches near the ground. Shrubs shall be at least 20 inches in height at the time of planting and have a mature height of not less than 36 inches.

5. **GRASS or GROUND COVER.** Grass of the fescue, bluegrass or perennial rye families shall be planted in species normally grown as lawns in Medina County. In swales or other areas subject to erosion, solid sod, erosion reducing net or suitable mulch shall be used and grass seed shall be sown for immediate protection until complete coverage is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in such a manner as to provide 75% complete coverage after two growing seasons.

- C. **Existing Material.** The Zoning Commission may approve the use of existing plant material to comply with the landscaping and screening requirements of this Chapter. In reviewing such proposals, the Zoning Commission shall consider whether the existing material is capable of performing the landscaping or screening functions required by this Chapter, by reason of its size, density, location, deciduous or evergreen foliage, and other characteristics. The Zoning Commission shall also consider the likelihood that the plant material will survive construction-related disruptions, including soil compaction and changes in grading and drainage. Existing vegetation shall be preserved in accordance with acceptable nursery industry procedures.

- D. **Mounds.** Mounds or berms may be used as physical barriers that block or screen a view. Differences in elevation between areas requiring screening do not constitute a mound. Mounds shall conform to the following standards:
 1. The maximum side slope shall be three (3) feet horizontal to one (1) foot vertical (3:1). The design shall be reviewed to ensure that proper erosion prevention and control practices have been utilized and that irrigation or other means are provided to insure plant material will have sufficient moisture for survival.
 2. Mounds shall be designed with physical variations in height and alignment throughout their length.
 3. Landscape plant material installed on mounds shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
 4. The landscape plan shall show sufficient detail to demonstrate compliance with the above provisions, including a plan and profile of the mound, soil types and construction techniques.
 5. Mounds shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
 6. No part of any mound shall be elevated more than 30 inches above natural grade within ten (10) feet of any right-of-way or property line, and the toe

of such mound shall be located a minimum of three (3) feet from any right-of-way or property line.

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

Sec. 530.12 MAINTENANCE OF LANDSCAPING.

- A. Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or natural landscaping, which at all times shall be maintained in good and healthy condition.
- B. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The property owner shall be responsible for continued, perpetual maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and noxious and unsightly weeds at all times.
 1. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Replacement material shall conform to the original intent of the landscape plan.
 2. Vehicle parking shall not be permitted in landscaped areas.
 3. All screening shall be free of advertising or other signs, except for legally placed directional or instructional signs for the efficient flow of vehicles.
- C. Violation of these installation and maintenance provisions shall be grounds for the Zoning Inspector to require replacement of the landscape material or institute legal proceedings to enforce the provisions of this Section.

Sec. 530.13 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES AND WALLS.

The location of proposed landscaping, fences or walls shall be reviewed and approved as part of a development plan pursuant to Chapter 720. However, when a fence or wall is proposed at a separate time from any other development for new construction, additions or site renovation, a fence or wall may be approved administratively by the Zoning Inspector when the Zoning Inspector determines that the proposal:

- A. Complies with the requirements of this Chapter;
- B. Is consistent with any previously approved plan;

- C. Is compatible with the current site development if there is no approved plan; and
- D. Will have a minimal adverse impact to the surrounding areas.

If, because of the nature and location of the proposed fence or wall, the Zoning Inspector does not make such a determination, the request shall be referred to the Zoning Commission and considered by the Commission according to the development plan review procedures in Chapter 720.

**CHAPTER 540
Regulations of Wireless Telecommunications Facilities**

540.1 Purpose.	540.5 Standards, Requirements, and Conditions Applicable to Residential Districts.
540.2 Intent.	540.6 Application Submittal Requirements and Approval.
540.3 Permitted Locations and Locations Requiring Conditional Use Approval.	540.7 Abandoned Telecommunications Facilities.
540.4 Notification Requirements for Public Utilities.	

Sec. 540.1 PURPOSE.

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of wireless telecommunication facilities (TCF) shall be regulated within residential districts in the Township.

Sec. 540.2 INTENT.

These regulations are established to provide for the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of wireless telecommunication facilities as a conditionally permitted use in residential districts of the township. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications 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:

- A. To protect property values;
- B. To provide for and protect the health and safety of the residents of the Township;
- C. To protect residential properties, parks and open spaces within the Township from the adverse visual impacts of towers and related facilities through buffering, careful design, and siting standards, construction and prompt removal when not utilized;
- D. To promote co-location of wireless telecommunication facilities; and
- E. To maintain, where possible, the integrity of the existing regulations contained in the Zoning Resolution.

Sec. 540.3 PERMITTED LOCATIONS AND LOCATIONS REQUIRING CONDITIONAL USE APPROVAL.

TCFs are permitted by right or by conditional use permit depending upon the zoning district in which they are located.

TCFs exempted from Township regulations pursuant to ORC 519.211 are permitted uses within Montville Township. These permitted TCFs are encouraged to comply with Section 540.6 and the development plan process according to Chapter 720.

Any TCF not exempted from Township regulation per ORC 519.211 shall be conditionally permitted in the residential districts upon compliance with the regulations enumerated within the Montville Township Zoning Resolution.

Sec. 540.4 NOTIFICATION REQUIREMENTS FOR PUBLIC UTILITIES.

Any public utility which plans to construct a telecommunications tower in a residential district shall comply with the requirements set forth in ORC 519.211 for placement of a telecommunications tower and/or facility within residential districts of the Township.

Sec. 540.5 STANDARDS, REQUIREMENTS, AND CONDITIONS APPLICABLE TO ALL WIRELESS TELECOMMUNICATIONS FACILITIES IN RESIDENTIAL DISTRICTS.

It is the desire of Montville Township to have TCFs located within the districts permitted by ORC 519.211. If there are no suitable locations within the districts exempted from Township regulations, the township may conditionally permit locations of telecommunications towers outside of those districts specifically exempted pursuant to ORC 519.211 only upon meeting the following standards and conditions as well as the criteria set forth in Section 540.6; Chapter 450; the procedures set forth in Chapter 730; and only upon conditional use approval by the Board of Zoning Appeals.

- A. The minimum setback of a tower from all property lines shall be a distance equal to the highest point of the TCF plus 25 feet.
- B. All wireless telecommunications equipment, towers, antennae and facilities shall be located a minimum of two (2) times the height of the structure measured from the natural grade at the base to the highest point of the structure from any existing residential dwelling.
- C. There shall be a minimum separation of one (1) mile between wireless telecommunication towers.

- D. All towers shall be of a monopole design and shall not exceed 200 feet in height (including antennae) as measured from the natural grade at the base of the tower. Lattice-type towers shall be prohibited.
- E. All poles having a height greater than 95 feet shall be designed to accommodate at least three antennae.
- F. The base of the tower, equipment facilities and support structures shall be completely enclosed with a secure, chain link fence having a minimum height of 8 feet. Such fence, equipment facilities, and support structures shall be completely screened from view by a landscape buffer area of not less than 15 feet in depth, consisting of hardy evergreen shrubbery and other appropriate landscaping that achieves the maximum screening objective. The initial plantings shall be no less than six feet tall and shall be maintained and restored, as necessary.
- G. The antennae and support structures shall be designed to harmonize with the existing surroundings. At a minimum, towers shall be painted a non-contrasting gray or similar color, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- H. A permanent easement to the tower site shall be provided to maintain access regardless of other development that may take place on the site.
- I. TCF shall not be artificially lighted except as required for security and safety, or by the Federal Aviation Administration. Any lighting so required shall be installed to minimize the impact on adjoining properties.
- J. All accessory buildings shall comply with the location regulations set forth for the district in which the tower is located and shall not exceed a height of 20 feet. Outside storage shall be prohibited.
- K. “No Trespassing” signs and emergency contact information shall be posted on the structure, listing the manufacturer, owner and any emergency contact personnel, and 24-hour emergency telephone numbers. Each sign shall not exceed four (4) square feet. No other signs or advertising shall be located anywhere on the tower and/or facility.
- L. New wireless antennae shall co-locate on existing towers or on existing structures that have been constructed for other purposes, such as, but not limited to, water towers, church steeples, and chimneys.
- M. In the event that the requirements set forth in Section 540.5 B. are met but co-locating is not available as stated Section 540.5 L., a wireless telecommunication tower and/or antenna facility shall then be located:
 - 1. Within a recorded electric high-tension power line easement, or

2. Other residential area of the township in the event that location within a recorded electric high-tension power line easement is not available.
- N. As a condition of issuing a conditional zoning certificate to construct and operate a tower in the Township, the owner/operator of the telecommunications tower shall agree to:
1. Allow co-location until said tower has reached full antennae capacity, but in no event shall the owner/operator agree to allow fewer than two antennae platforms for additional providers unrelated to the owner/operator;
 2. Make available to the Township and/or County safety forces the opportunity to co-locate on the tower. Agreement to this provision shall be included in the applicant's lease with the landowner, if different from the owner/operator of the tower; and
 3. Provide written documentation to the Board of Zoning Appeals certifying that the owner 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.
- O. TCFs shall be subject to the general guidelines for conditional use, the foregoing conditions, and Section 540.7. The Board of Zoning Appeals may impose additional conditions when it deems it necessary to safeguard the health, safety, and welfare of the community.
- P. Upon conditional use approval and prior to each subsequent approval, the applicant shall post a performance bond with the Montville Township Trustees for the purpose of insuring that an abandoned, obsolete or destroyed wireless telecommunication facility shall be removed in compliance with Section 540.7. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.

Sec. 540.6 APPLICATION SUBMITTAL REQUIREMENTS AND APPROVAL

In addition to conditional use approval, all wireless telecommunications towers and facilities subject to these regulations shall comply with the procedures for development plan review set forth in Chapter 720. The applicant shall submit the following items with the Conditional Zoning Certificate Application and Development Plan Review Application (See also Section 720.5 and Section 730.2):

- A. A detailed development plan showing the TCF and building locations, lighting, easements, and driveway, as well as the type and size of all landscaping materials. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

- B. A plan including all building uses within two times the height of the structure at a scale not less than one inch equal to 100 feet shall be required.
- C. Detailed description of the wireless telecommunications tower(s) or facility(s) capacity including the number and types of antennae that it can accommodate.
- D. Evidence demonstrating that a technically suitable location is not available in any district or neighboring jurisdiction that is exempted from Township regulations pursuant to ORC 519.211.
- E. Evidence demonstrating that a technically suitable location is not available in any district set forth in Section 540.5 L. and Section 540.5 M.
- F. A list showing the location of every tower, building or structure that could support the proposed antennae so as to allow it to serve its intended function including the reasons why such towers, buildings, structures or areas have been determined not to be technically suitable or not available.
- G. Evidence indicating that the applicant has requested under reasonable terms all property owners with technically suitable locations to permit a tower facility in a technically suitable district(s) as set forth in Section 540.5 and evidence verifying that each request was rejected.
- H. Written documentation certifying that the wireless telecommunication facility shall comply with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).
- I. A plan documenting how the tower, facility, equipment, appurtenances and surrounding associated land will be maintained on the site.
- J. A reclamation plan that indicates the methods to restore the site to its original state after a wireless telecommunications tower or facility is no longer operational.

Sec. 540.7 ABANDONED AND/OR DAMAGED TELECOMMUNICATIONS FACILITIES.

- A. The owner or operator of a wireless telecommunication facility shall notify the Township within 30 days of a wireless telecommunication facility's permanent abandonment. Such facility shall be removed by the applicant and the site restored to its original state within 120 days from the date of notification to the Township.
- B. Any tower that has had no antenna mounted upon it for a period of twelve months, or if the antennae mounted thereon is/are not operated for a period of six months, it shall be considered abandoned, and the owner shall remove the tower and restore the site to its

original state within 120 days after receipt of a notice from the Zoning Inspector to do so.
(See 540.5 P.-Performance Bond Approval)

- C. If there is an immediate health or safety risk, the tower shall be repaired or removed immediately.

- D. In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this Section.

**CHAPTER 542
Regulations for Antennas**

542.1 Ground-mounted, freestanding antennas.

542.2 Roof-mounted Antennas.

542.3 Signs Prohibited.

Sec. 542.1 GROUND-MOUNTED, FREESTANDING ANTENNAS.

- A. Location: Any type of ground-mounted, freestanding antenna shall not be located within fifteen (15) feet of the main building; shall not be built within twenty (20) feet of the side and rear lot lines and shall not be erected in the front yard.
- B. Height:
 - 1. Ground-mounted, freestanding antennas exceeding three (3) feet in diameter shall not exceed a height of fifteen (15) feet, above grade level, including the mounting structure.
 - 2. Ground-mounted, freestanding antennas not exceeding three (3) feet in diameter and antennas consisting of wires, poles, rods, etc. including any mounting structure shall not exceed a height of thirty-five (35) feet above grade level.
- C. Zoning Certificate: Ground-mounted, freestanding antennas are considered structures and require a zoning certificate.

Sec. 542.2 ROOF-MOUNTED ANTENNAS.

- A. Height and Size:
 - 1. Roof-mounted antennas shall not exceed three (3) feet in diameter and shall not exceed the roof height of the building upon which it is mounted by more than four (4) feet.
 - 2. All other types of mounted antennas, consisting of wires, rods, poles, etc., shall not exceed the roof height of the building upon which it is mounted by more than ten (10) feet.

Sec. 542.3 SIGNS PROHIBITED.

- A. An antenna shall not function as a sign in any way.

**CHAPTER 550
Gas and Oil Well Regulations**

550.1 Minimum Distances for New Construction

Sec. 550.1 MINIMUM DISTANCES FOR NEW CONSTRUCTION.

- A. All new buildings or structures shall be erected no closer than 100 feet from any existing gas and oil wells, storage tanks and/or separator units.
- B. No building or structure shall be erected within fifty (50) feet of a well that has been plugged.

**CHAPTER 560
Land Disturbance Regulations**

560.1	Purpose.	560.5	Permit required.
560.2	Permitted land disturbance.	560.6	Completion of land disturbance activities.
560.3	Regulations for topsoil removal.	560.7	Exemptions.
560.4	Regulations for tree preservation.		

Sec. 560.1 PURPOSE.

Montville Township has determined that reducing land disturbance and conserving existing vegetation is beneficial to the community. Therefore, in order to protect and further the public health, safety and general welfare and to promote the coexistence of development and the natural environment, this Chapter establishes regulations for land disturbance, soil removal and tree preservation in connection with the clearing and grading of land for construction-related or other purposes. More specifically the purposes of these regulations are to:

- A. Encourage responsible development and minimize the negative environmental impacts that can be associated with development.
- B. Encourage the preservation of trees in order to reduce air and water pollution and reduce noise pollution, reducing the quantity of storm water run-off, protecting natural stream assets; and protecting, and, where possible, enhancing valuable natural water resources.
- C. Ensure that commercial, residential subdivisions, Planned Neighborhood Developments (PND) and Planned Residential Developments (PRDs) are carefully planned, designed and constructed to maintain and preserve the natural features of the site. (Revised 09/10/09)
- D. Ensure that development integrates the natural features of the site into the development to utilize the natural surface drainage so as to minimize the construction of sewers, reduce the amount of grading and to minimize destruction of trees and topsoil so as to conserve to the extent practicable all natural features that contribute to the overall well being and ecological balances necessary to preserve a healthy community.
- E. Improve property values by ensuring the natural and unique features of the site are conserved, including mature trees, which studies show increase the value of real estate, thereby increasing the amount of property taxes collected by the Township.

Sec. 560.2 PERMITTED LAND DISTURBANCE.

Any nonagricultural related land disturbance including tree clearing, trenching, removal of soil, placement of fill or excavation of gravel or other earth materials shall only be permitted when approved according to Sec. 560.5 and only for purposes of grading or excavating an area in preparation for construction thereon of dwellings, buildings or structures permitted in the district in which the area is located. All such land disturbance activities shall comply with the regulations set forth in this Chapter.

Sec. 560.3 REGULATIONS FOR TOPSOIL REMOVAL.

Whenever topsoil is to be removed from land within the Township, a minimum of four inches of topsoil shall remain or be replaced above the subsoil, clay or other unproductive grounds after completion of the operation. The removal, stockpiling, or replacement of the soil shall comply with other applicable regulations to prevent surface run-off.

Sec. 560.4 REGULATIONS FOR TREE PRESERVATION.

Existing woodlands shall be maintained and preserved on the site according to the following regulations:

- A. Definitions. The following terms are defined for the purposes of these regulations:
 - 1. Diameter at breast height (DBH). The diameter of the trunk of a tree measured at a height of 4.5 feet above the natural grade. If the tree splits into multiple trunks below 4.5 feet, the trunk shall be measured at its most narrow point beneath the split.
 - 2. Mature Woodlands. A stand of trees in which there are 10 or more trees that have a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the stand of trees.
 - 3. Stand of Trees. A grouping of two or more trees with contiguous canopies.
 - 4. Young Woodlands. A stand of trees in which there are 10 or more individual trees having a DBH of at least 6 inches whose combined canopies cover at least 50% of the area encompassed by the stand.

- B. Residential Uses: In a residential subdivision, Planned Neighborhood Development (PND) (Effective June 22, 2006), or Planned Residential Development (PRD), trees shall be maintained and preserved according to the following (Revised 09/10/09):

1. A minimum of 50 percent of mature woodlands shall be preserved.
 2. A minimum of 25 percent of any young woodland shall be preserved.
 3. Any tree that is not classified as part of a mature woodland or young woodland shall be maintained and preserved, to the extent practicable, when the tree meets the following criteria:
 - a) The DBH of the tree is 8 inches or more.
 - b) The tree is not located within the area to be occupied by a permanent structure together with fifteen feet on all sides, subject to approval of the location of the structure.
 - c) The tree is not located within the area to be occupied by driveways, accessory buildings, sidewalks, utility installations and similar necessary development subject to approval of the location of said improvements.
 4. In order to implement the standards set forth in Subsection 560.4B.1. thru B.3. above in the best manner possible, the applicant may seek a variance from the Board of Zoning Appeals to reduce the lot requirements or setback requirements set forth herein, in order to permit more of the proposed site to be preserved. In reviewing such a variance request, the Board of Zoning Appeals shall determine that:
 - a) The total number of lots do not exceed the number of lots that could be developed if the tree preservation regulations were not imposed;
 - b) The design of the subdivision or planned residential development substantially complies with the purposes, intent and basic objectives of the zoning district in which the subdivision or planned residential development is located;
 - c) The proposal results in a development of equivalent or greater quality than that which could be achieved through strict application of such standards and requirements; and
 - d) The proposed development shall have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.
- C. Nonresidential Uses: On parcels devoted to nonresidential uses, trees shall be retained and preserved according to the following:
1. Trees that are located within the proposed development area of the site may be removed upon the Zoning Commission's approval of the location of such structures and improvements. For the purposes of this

section, the development area of the site shall include the area to be occupied by permanent structures, access roads, parking areas, sidewalks, utility installations, and similar necessary improvements, and an additional 15 fifteen feet on all sides of the proposed area to be occupied by such improvements.

2. On all other portions of the site:
 - a) A minimum of 50 percent of the mature woodlands shall be preserved.
 - b) A minimum of 25 percent of any young woodland shall be preserved.
 - c) Individual trees that are not within a mature or young woodland but which have a DBH of 8 inches or greater shall be preserved to the extent practicable, as determined by the Zoning Commission.

D. Reforestation. Upon the approval of the Zoning Commission, a property owner or developer may clear more area than permitted in Subsections B and C above by agreeing to reforest another part of the site at a ratio of 1.2 times the area or the diameter of the trees otherwise required to be preserved. Such approval shall be granted only when it has been determined that alternative measures to preserve these trees are not feasible.

Sec. 560.5 PERMIT REQUIRED.

Any land disturbance including a change in grade shall be permitted only when an application for a land disturbance permit is reviewed and approved by the Zoning Commission in accordance with the procedures for site plan review in Chapter 720.

- A. In addition to complying with the applicable submission requirements, the property owner shall also file the following items with the Zoning Commission:
 1. A location map that clearly depicts the areas to be disturbed and the location of buildings on adjacent properties, roads and the specific location of all natural features.
 2. A map indicating the proposed changes in the contours and natural features that will result from the land disturbance or grading operation. The contour interval of this map shall be no more than 5 feet in an area where the slope exceeds 10 percent and two feet where the slope is less than 10 percent.

- a) Information on the anticipated disturbance, depth of the excavation or amount of fill to be approved for the proposed site.
- b) A tree removal/preservation plan, whenever trees are to be removed. Such plan shall clearly indicate the following:
 - i. The location, common name and size of the following individual trees and groups of trees:
 - (1) The limits of any mature woodlands and young woodlands, as defined in Sec. 560.4A.
 - (2) Trees that have a DBH of eight inches or greater, and which are not otherwise included within the limits of a mature woodlands or young woodlands.
 - ii. All existing trees and woodlands identified in Subsection i. above that are to remain on the site after construction.
 - iii. All existing trees and woodlands identified in Subsection i. above that are to be removed from the proposed site.
 - iv. The location, common name and size of all new trees to be planted on the proposed site.
 - v. A soil removal plan which sets forth the amount of soil to be removed, the proposed disposition, including reuse of the topsoil, and a siltation prevention plan.
- B. No such permit shall be issued for land disturbance unless the Zoning Commission has determined that:
 - 1. Such land disturbance will not create a nuisance because of dust, erosion, soil or water runoff, or other unsafe or unhealthy conditions including damage to water quality in affected waterbodies.
 - 2. Adequate drainage shall continue to exist on the land to be disturbed so that stagnant water or other conditions dangerous to health and safety will not be created.
 - 3. The land disturbance shall not adversely affect adjacent properties.
- C. Appropriate professional consultants may be retained by the Township to review the land disturbance application and provide expert advise to the Zoning Commission. The applicant shall pay the cost of review by the consultant.

- D. A land disturbance permit may be issued simultaneously with a site plan, when required, pursuant to Chapter 720.

Sec. 560.6 COMPLETION OF LAND DISTURBANCE ACTIVITIES.

Any portion of land that is disturbed shall be reseeded or replanted with grass or other satisfactory planting within three (3) months from such disturbance or before the onset of winter whichever comes first, in order to prevent erosion, creation of dust or other conditions of nuisance.

Sec. 560.7 EXEMPTIONS.

The following are exempt from the regulations of this Chapter.

- A. Trees, woodlands or portions thereof which do not comply with the definitions in Sec. 560.4A.
- B. The removal of dead trees and diseased or damaged trees that threaten life or property or that cannot be revived.
- C. The removal of trees in time of emergency or which pose potential danger to life or property.
- D. Any lot in an R-R, R-1, R-2 or R-3 District with an area less than 10 acres and occupied by a single-family dwelling.

CHAPTER 570

ESTABLISHMENT OF RIPARIAN AND WETLAND SETBACKS

570.1	Purpose and Intent.	570.7	Permitted Buildings, Structures, and Uses Within Riparian and Wetland Setbacks With a Zoning Certificate.
570.2	Applicability and Compliance.	570.8	Buildings, Structures, and Uses Prohibited Within Riparian and Wetland Setbacks.
570.3	Establishment of Designated Watercourses, Riparian Setbacks and Wetland Setbacks.	570.9	Inspections of Riparian and Wetland Setbacks.
570.4	Riparian Setback Guide Map and National Wetlands Inventory Map.		
570.5	General Applications and Development Plans.		
570.6	Uses Permitted Within a Riparian and Wetland Setback Without a Zoning Certificate.		

The following resources were used to establish the regulations for riparian and wetland setbacks:

Chagrin River Watershed Partners, Inc. *Abstract for Lake Erie Protection Fund, Implementing Best Local Land Use Practices*. March 26, 2009.; Chagrin River Watershed Partners, Inc. *Model Ordinance for the Establishment of Wetland Setbacks*. December 2004.; Chagrin River Watershed Partners, Inc. *Riparian and Wetland Setbacks*. PowerPoint Presentation by Amy Brennan. November 12, 2008.; Chagrin River Watershed Partners, Inc. *Summary of Riparian and Wetland Setback Regulations in Ohio and Nationwide*. January 2006.; Cuyahoga Soil and Water Conservation District., *Community Riparian and Wetland Guidance, Putting all the Pieces Together*.; Date, K., Cleveland State University, Center for Planning Research and Practice – The Countryside Program. *Protective Regulations, Ohio Lake Erie Commission, Best Local Land Use Practices*.; Emmons & Olivier Resources. *Benefits of Wetland Buffers: A Study of Functions, Values and Size prepared for the Minnehaha Creek Watershed District*. December 6, 2001.; Medina County Department of Planning Services. *Discussion/Recommendations, Flood Management Approaches, Modify Development Patterns, Low Impact Development (LID) Principles*.; Middleburg Heights, Ohio, Zoning Code. *Establishment of Wetland Setbacks, 1363.08, Procedure for Wetland Setbacks, 1363.09, Mitigation for Impacts to Riparian Areas and Wetland Setback Area, 1363.10*.; Mikelbank, B., Cleveland State University, Center for Housing Policy & Research. *Hedonic Analysis of Riparian/Wetland Setbacks*. September 2006.; National Audubon Society, Great Lakes Regional Office. *Ohio Wetland Facts*. 1998.; Northeast Ohio Areawide Coordinating Agency. *Principles of Riparian Zone Protection*.. <http://www.noaca.org/riparianguidance.pdf>.; Ohio Department of Natural Resources, Division of Soil and Water Conservation. *Rainwater and Land Development Manual, Chapter 2, Post Construction Stormwater Management Practices*. Third Edition 2006.;

Ohio Department of Natural Resources, Division of Water. *Evaluating Ground Water Pollution Potential in Ohio, Fact Sheet 92-9*. January 31, 2006.; Ohio Department of Natural Resources, Division of Water. *Ground Water for Planning in Northwest Ohio, A Study of the Carbonate Rock Aquifers*. 1970.; Ohio Department of Natural Resources, Division of Water. *Ground Water Pollution Potential of Medina County, Ohio*. May 1994.; Ohio Department of Natural Resources, Division of Water. *Ground Water Quality, Fact Sheet 97-47*. October 14, 1997.; Ohio Department of Natural Resources, Division of Water. *Ground Water Resource Mapping in Ohio, Fact Sheet 92-10*. February 26, 2004.; Ohio Department of Natural Resources, Division of Water. *Individual Practices to Protect Ground Water Quality, Fact Sheet 97-45*. October 14, 1997.; Ohio Department of Natural Resources, Division of Water. *Surface Water and Ground Water Interaction, Fact Sheet 97-43*. October 14, 1997.; Ohio Department of Natural Resources, Division of Water. *What's Ground Water?, Fact Sheet 93-24*. July 8, 2002.; Ohio Department of Natural Resources, Division of Water. *What is Nonpoint Source Pollution?, Fact Sheet 97-44*. October 14, 1997.; Piatak, A. and Vujevich, J, Montville Township Zoning Commission. *Wetland and Riparian Setbacks*. July 2009.; Seabrook Conservation Commission. *Effects of Filling Wetlands*. <http://www.seabrooknh.org/Con%20Comm/Effects%20of%20Filling%20Wetlands.pdf>.

Sec. 570.1 PURPOSE AND INTENT.

- A. The specific purpose and intent of these regulations is to regulate the location of buildings, structures, uses, and related soil disturbing activities within riparian and wetland setback areas that would impair the ability of these areas to:
 - 1. Preserve and conserve the quality and free flowing condition of designated water courses in the interest of promoting and protecting public health and safety.
 - 2. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
 - 3. Assist in stabilizing the banks of designated watercourses to reduce woody debris from fallen or damaged trees, streambank erosion, and the downstream transport of sediments eroded from such watercourse banks.
 - 4. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses.

5. Reduce pollutants in designated watercourses by filtering, settling, transforming and absorbing pollutants in runoff before they enter such watercourses.
 6. Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate storm water control due to the loss of riparian areas and wetlands.
 7. Minimize encroachment on designated watercourses and limit the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses as well as to reduce the damage to real property and threats to public health and safety within the affected watershed.
 8. Minimize streambank erosion by reducing runoff volume and velocity
 9. Protect groundwater quality by filtering pollutants from storm water runoff
 10. Assist in recharging groundwater reserves.
 11. Protect surface water quality by minimizing sediment pollution from streambank erosion, and filtering, settling, and transforming sediments, chemicals, salts and other pollutants from flood waters and storm water runoff.
- B. These regulations have been enacted to protect and enhance the functions of riparian and wetland areas by providing reasonable controls governing buildings, structures, uses, and related soil disturbing activities with a riparian and/or wetland setbacks along designated watercourses in Montville Township. Due to the importance of properly functioning riparian and wetland areas, minimum riparian and wetland setbacks may be given preference over minimum front, side, or rear yard setbacks as specified in this resolution in the consideration of an appeal for a variance by the board of zoning appeals.
- C. These regulations have been enacted under the authority of Chapter 519 of the Revised Code of the State of Ohio that provides Montville Township the authority to regulate the location, size, height, and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands necessary to protect the public health, safety, morals, comfort, and general welfare of the Township and its residents.

- D. It is the policy of Montville Township to encourage the establishment of naturally vegetated riparian areas along watercourses. Property owners who own land along watercourses are encouraged to preserve the natural functionality of the riparian system within Montville Township to control flooding, erosion, and water quality problems on their property, as well as downstream. Riparian and wetland setback zoning, as established through these regulations, represents the minimal standards necessary to limit flooding, erosion, and water quality problems and the impacts there from. Guidance regarding characteristics of riparian areas in Montville Township can be found in the Montville Township Comprehensive Plan.

Sec. 570.2 APPLICABILITY AND COMPLIANCE.

- A. These regulations shall apply to:
 - 1. All lands that are within the jurisdiction of Montville Township and that border designated watercourses and wetlands as defined in these regulations.
 - 2. All development plan approvals, major and minor subdivisions that are not exempt from township zoning by the Ohio Revised Code.
 - 3. All soil disturbing activities regulated by Township Zoning Regulations that are proposed in, or within 50 feet of, a riparian setback or wetland as shown on the Montville Township National Wetlands Inventory Map and on the Montville Township Riparian Setback Guide Map. (See Section 570.4)

- B. These regulations shall apply to all zoning districts.

The regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated watercourse and/or wetland as shown on the Montville Township National Wetlands Inventory Map and on the Montville Township Riparian Setback Guide Map, except as otherwise provided herein.

- C. Soil disturbing activities within the area of hydric soils as shown on the Montville Township National Wetlands Inventory Map.
- D. The use of any building, structure, or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Chapter 590, Nonconforming Uses, Buildings, Lots and Structures.

- E. The repair, maintenance, replacement, restoration, reconstruction, or substitution of a building, structure, or use lawfully existing prior to the effective date of these regulations may be continued or completed, subject to the provisions of Chapter 590, Nonconforming Uses, Buildings, Lots and Structures.
- F. No zoning certificate or conditional zoning certificate shall be issued for any building, structure, or use on a lot containing, wholly or partly, a designated watercourse and/or wetland except in conformity with the regulations set forth herein.

Sec. 570.3 ESTABLISHMENT OF DESIGNATED WATERCOURSES, RIPARIAN SETBACKS AND WETLAND SETBACKS.

- A. A designated watercourse shall include one or more of the following criteria.
 - 1. All watercourses draining an area equal to or greater than one-half (0.5) square mile, or
 - 2. All watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the Zoning Inspector/or designee may consult with representatives of the Medina County SWCD or other technical experts.
- B. Riparian setbacks on designated watercourses shall be established as follows.
 - 1. A minimum of 120 feet on each side of all designated watercourses draining an area equal to or greater than 20 square miles.
 - 2. A minimum of 75 feet on each side of all designated watercourses draining an area equal to or greater than one-half (0.5) square mile and up to 20 square miles.
 - 3. A minimum of 25 feet on each side of all designated watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined in these regulations.
- C. Wetland setbacks are established as follows:
 - 1. A minimum of one hundred twenty (120) feet surrounding and including all Ohio EPA Category 3 Wetlands, or current equivalent Ohio EPA classification.

2. A minimum of seventy-five (75) feet surrounding and including all Ohio EPA Category 2 Wetlands, or current equivalent Ohio EPA classification.
 3. A minimum of twenty-five (25) feet surrounding all Ohio EPA Category 1 Wetlands, or current equivalent Ohio EPA classification.
- D. The following regulations shall apply to riparian and wetland setbacks.
1. Riparian and/or wetland setbacks shall be measured in a perpendicular and horizontal direction outward from the ordinary high water mark of a designated watercourse or defined wetland boundary, except for existing in-line ponds as addressed in D. 5.
 2. Except as otherwise provided in this regulation, riparian and/or wetland setbacks shall be preserved in an undisturbed state.
 3. Where the one hundred (100) year floodplain is wider than the minimum riparian setbacks on either or both sides of a designated watercourse, the minimum riparian setbacks shall be extended to include the outermost boundary of the one hundred (100) year floodplain as delineated on the flood hazard boundary maps for the affected area provided by FEMA.
 4. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the developer using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations. Such delineation is a requirement of the U.S. Army Corps of Engineers and the Ohio EPA.
 5. The minimum riparian setbacks on an in-line pond existing at the time an application for a zoning certificate or a conditional zoning certificate is made under these regulations shall be measured from the ordinary high water mark of the designated watercourse as it enters said pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond. Riparian setbacks on in-line ponds existing at the time an application is made under these regulations shall be expanded to include floodplains as detailed in D 3. The creation of new in-line impoundments shall not be permitted under these regulations.
 6. Upon completion of an approved development plan or plat, riparian and wetland setbacks shall be permanently recorded on the plat records of the township as recorded with the Medina County Recorder's Office.

7. Where wetlands are identified within a riparian setback, the minimum riparian setback width shall be extended to the outer boundary of the wetland. In addition, wetlands shall be protected to the extent detailed in this chapter.
8. On lots existing at the time of the adoption of these regulations, building setbacks may be reduced as needed, up to a maximum of 25 percent, to maintain the riparian and wetland setbacks.

Sec. 570.4 MONTVILLE TOWNSHIP RIPARIAN SETBACK GUIDE MAP AND MONTVILLE TOWNSHIP NATIONAL WETLANDS INVENTORY MAP.

- A. The Township shall create a guide map identifying potential watercourses and wetlands for which setbacks are required. The maps are attached hereto and made a part of these regulations. The maps may be used as a guide or reference document by the Township in determining when the setbacks apply.
- B. Nothing shall prevent the Township from amending the maps from time to time as may be necessary.
- C. If any discrepancy is found between the riparian setback guide map and these regulations, or if any discrepancy is found between existing site conditions and the riparian setback guide map, the criteria set forth in Section 570.3 A. 1. and 2. shall prevail.
- D. If it appears a wetland setback applies after reviewing the hydric soil areas of the National Wetlands Inventory Map, the Zoning Inspector, or designee, shall conduct a physical walk-through inspection of the property. If the walk-through inspection reveals potential wetland areas, a wetland screening shall be required. In the event the wetland screening indicates that wetlands are located on the parcel, a wetland delineation shall be required.

If a wetland screening and/or delineation is required, all expenses shall be borne by the applicant/owner, and the results shall be forwarded to the Zoning Office.

Sec. 570.5 GENERAL APPLICATIONS AND DEVELOPMENT PLANS.

- A. When making an application for a zoning certificate or a conditional zoning certificate for a building, structure, or use regulated by Montville Township, the owner shall be responsible for identifying riparian and wetland setbacks as required by these regulations and shall indicate such setbacks on all development plans submitted to the Zoning Inspector/or designee.

- B. The Zoning Inspector/or designee, may, in reviewing the development plan, consult with the Medina County SWCD or such other expert(s) retained by the Board of Township Trustees.
- C. If land development or soil disturbing activities will occur within fifty (50) feet of the outer boundary of the applicable riparian and wetland setbacks as specified in these regulations, then prior to the initiation of any land development or soil disturbing activities, the riparian and wetland setbacks shall be clearly delineated on the affected lot by the owner with construction fencing as shown on the development plan and shall be maintained on the lot until the completion of such development or disturbance activities.

Sec. 570.6 USES PERMITTED WITHIN A RIPARIAN AND WETLAND SETBACK WITHOUT A ZONING CERTIFICATE.

Open space uses that are passive in character shall be permitted in riparian and wetland setbacks, including, but not limited to, those listed in these regulations. No use permitted under these regulations shall be construed as allowing public trespass on privately held lands.

- A. Recreational Activity: Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, fishing, hunting, picnicking, and similar uses.
- B. Removal of Damaged or Diseased Trees: Damaged or diseased trees may be removed.
- C. Revegetation and/or Reforestation: Riparian and wetland setbacks may be revegetated with non-invasive plant species.
- D. Maintenance of lawns, gardens and landscaping: Lawns, gardens and landscaping, that existed at the time this ordinance was passed, may be maintained as long as additional intrusion into or filling of wetlands is not increased.
- E. Maintenance and Repairs: Maintenance and repair on existing roads, driveways, bridges, culverts, trails, walkways, paths, wastewater treatment plants and appurtenances, water wells, water treatment plants and appurtenances, storm sewers, and on-site sewage systems.
- F. Water Supply Wells: Water supply wells subject to the regulations enforced by the Medina County Health Department or the Ohio EPA.

Sec. 570.7 PERMITTED BUILDINGS, STRUCTURES, AND USES WITHIN RIPARIAN AND WETLAND SETBACKS WITH A ZONING CERTIFICATE.

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

- A. Crossings: Crossings of designated watercourses through riparian and wetland setbacks with roads, driveways, easements, bridges, culverts, utility service lines (including sanitary sewer, water, septic system, storm sewer, electric, natural gas, telephone, and cable for television and other digital transmission), or other means may be permitted, subject to the other regulations contained in this resolution and regulations enforced by the Medina County Engineer. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (Either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the Zoning Inspector/or designee. Proof of compliance shall be the following:
 - 1. A development plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
 - 2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving the activities under the applicable Nationwide Permit, or
 - 3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving the activities under an individual permit.

- B. Streambank Stabilization Projects: Streambank stabilization projects along designated watercourses, subject to other regulations contained in this resolution and the regulations enforced by the Medina County SWCD, Ohio EPA, and U.S. Army Corps of Engineers. If streambank stabilization work is proposed below the ordinary high water mark of a designated watercourse, proof of compliance with the applicable conditions of U.S. Army Corps of Engineers Section 404 Permit (either Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall be provided to the Zoning Inspector/or designee. Proof of compliance shall be the following:

1. A development plan showing that any proposed stabilization project conforms to the general and special conditions of the applicable Nationwide Permit, or
 2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
 3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.
- C. Structures such as docks and piers that promote recreational activities.

Sec. 570.8 BUILDINGS, STRUCTURES, AND USES PROHIBITED WITHIN RIPARIAN AND WETLAND SETBACKS.

The following buildings, structures, and uses are specifically prohibited within riparian setbacks.

- A. Construction: There shall be no buildings, structures, uses, or related soil disturbing activities of any kind except as permitted under these regulations.
- B. Parking and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities.
- C. Roads and Driveways: There shall be no roads or driveways except as permitted under these regulations.

Sec. 570.9 INSPECTIONS OF RIPARIAN AND WETLAND SETBACKS.

The Zoning Inspector/or designee shall inspect the delineation of riparian and wetland setbacks as follows:

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

**CHAPTER 590
Nonconforming Uses, Buildings, Lots and Structures**

590.1	Purpose.	590.8	Change from nonconforming use.
590.2	Nonconforming buildings or structures.	590.9	Existing use deemed conditional use; permit required for change.
590.3	Nonconforming use of buildings and land.	590.10	Determination of nonconforming status.
590.4	Nonconforming parking facilities.	590.11	Completion of construction with zoning certificate.
590.5	Nonconforming signs.		
590.6	Nonconforming lots.		
590.7	Nonconforming use due to reclassification.		

Sec. 590.1 PURPOSE.

The purpose of this Chapter is to recognize the existence of uses, buildings, lots and structures which lawfully existed at the time of this Resolution’s enactment, or amendment thereto, but which do not conform with one or more of the regulations contained in this Resolution. Nonconforming status is considered to be incompatible with permitted uses in the zoning district in which it exists and with the land use plan of the Township. Therefore, such nonconforming status shall be continued only in conformance with this Chapter.

A nonconforming lot, use, building or structure does not include nonconformity with regulations pursuant to a legally granted variance from a zoning regulation.

Sec. 590.2 NONCONFORMING BUILDINGS OR STRUCTURES.

A nonconforming building or structure may continue to be used or occupied by a use permitted in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- A. Maintenance and Repair. A nonconforming building or structure may be maintained and repaired provided that no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district in which it is located.
- B. Nonconforming Building and Land. A building or structure occupied by a nonconforming use shall be permitted to be altered, improved, enlarged, extended or constructed one time only, provided such modification complies with the regulations of this Chapter. Any such alteration or enlargement shall

not exceed 30 percent of the square footage of the floor area of the building or structure as it existed at the effective date of this Resolution, unless the building or structure conforms to the use regulations of the district in which it is located.

If any nonconforming site condition(s) exists when a revised development plan is required pursuant to Section 720.2, then such site condition(s) must be brought into compliance with district regulations, unless the Zoning Commission determines that such conformance cannot be reasonably achieved because of existing site conditions. In such case, the Zoning Commission shall approve a development plan that reduces the existing nonconforming site condition(s) to the maximum extent practicable.

- C. Change in Principal Use of Building. The principal use of a nonconforming building may be changed to any permitted use in the district in which it is located so long as the new use complies with all corresponding regulations of this Zoning Resolution with the exception on that regulations to which the building did not conform prior to the change in use may remain nonconforming.
- D. Restoration of Damaged Building or Structure. If a nonconforming building or structure is damaged or destroyed by any cause, those portions so destroyed or damaged may be restored to the original footprint and floor area of the building or structure provided the cumulative restoration costs do not exceed 50 percent of the replacement cost of the building or structure at the time of such damage. Such restoration shall be completed within a period of two years from the date of damage or destruction. Any restoration that exceeds the original footprint and/or floor area shall comply with Subsection 590.2B.

Sec. 590.3 NONCONFORMING USE OF BUILDINGS AND LAND.

A nonconforming use may continue in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- A. Alteration, Enlargement or Reconstruction of a Building Occupied by a Nonconforming Use. A building or structure occupied by a nonconforming use shall be permitted to be altered, improved, enlarged, extended or reconstructed one time only, provided such modification complies with the regulations of this Chapter. Any such alteration or enlargement shall not exceed 30 percent of the square footage of the floor area of the building or structure as it existed at the effective date of this Resolution, unless the building or structure conforms to the use regulations of the district in which it is located.

- B. Displacement of Conforming Use. No nonconforming use shall be extended to displace a conforming use.
- C. Change of Use. A nonconforming use of a building, structure or land shall not be changed or substituted to another nonconforming use unless the Board of Zoning Appeals decides that the proposed nonconforming use is in less conflict with the character and use of the applicable zoning district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution.
- D. Discontinuance of Use. Voluntary discontinuance of the nonconforming use of a building, part of a building, lot or part of a lot for a continuous period of two (2) years or longer shall constitute voluntary abandonment. Thereafter any use of the premises shall conform to all regulations of the district in which the building or lot is located.
- E. Damage or Destruction. In the event a building or structure that is occupied by a nonconforming use is destroyed by any means to the extent of more than 50 percent of its replacement value, it shall not be rebuilt, restored or reoccupied for any use unless such use conforms to the use regulations of the district in which the building or structure is located.

Sec. 590.4 NONCONFORMING PARKING FACILITIES.

A building or use existing lawfully at the time of this Zoning Resolution, or an amendment thereto, became or becomes effective, but which does not comply with the off-street parking regulations for the district or use in which it is located may continue without such parking facilities. In the event an existing building is altered or a use is changed or substituted in accordance with these regulations, then additional off-street parking spaces shall be provided in compliance with Section 590.2B.

Sec. 590.5 NONCONFORMING SIGNS.

A sign, lawfully existing at the time this Zoning Resolution, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a nonconforming sign. Nonconforming signs may be maintained, and structural and electrical parts may be repaired to a safe condition.

A nonconforming sign cannot be moved or altered in any way except as regards to content unless the sign is made to conform with the regulations of the district in which it is located.

Sec. 590.6 NONCONFORMING LOTS.

A legal lot of record that does not comply on the effective date of this Zoning Resolution or any amendment thereto with the lot area or width regulations of the district in which the lot is located may be used as follows:

- A. Residential Lots. If occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this Zoning Resolution, with the exception of the lot area and the lot width regulations. The number of dwelling units shall not be increased unless in compliance with all regulations, including lot area.

- B. Single Nonconforming Lots of Record. If a nonconforming lot is in separate ownership and not of continuous frontage with other lots in the same ownership, the following provisions shall apply:
 - 1. Any lot not meeting the minimum area requirements and being a lot of record or any lot within an unrecorded allotment, of which at least one-half (1/2) of said lots are of record may be developed with a single-family dwelling when the single-family dwelling unit, and uses and structures accessory thereto, can be located on the lot in compliance with the front, side, and rear yard setbacks, and all other requirements of the district except those that pertain to the lot area or lot width requirements. In such case, the Zoning Inspector shall have the authority to issue a zoning certificate.

 - 2. The Board of Zoning Appeals shall review and determine whether to approve uses, buildings and structures proposed for the following:
 - a) Single vacant nonconforming lots in single-family districts that do not meet the criteria set forth in Subsection 1 above.

 - b) Single vacant nonconforming lots in all non-single-family districts.

- C. Lots in Combination. If a vacant nonconforming lot adjoins one or more lots in common ownership on the effective date of this Resolution or applicable amendment thereto, such lot shall be replatted to create conforming lots as a prerequisite for development if such acreage is available.. This provision shall not apply to any previously approved residential development provided the approved general development plan and final development plan remain valid.

Sec. 590.7 NONCONFORMING USE DUE TO RECLASSIFICATION.

The provisions of this chapter shall also apply to any building, structure, land or other use hereafter becoming nonconforming as a result of amendments made to this Zoning Resolution or Zoning Map.

Sec. 590.8 CHANGE FROM NONCONFORMING USE.

A nonconforming building or use shall cease to be considered as such whenever it first comes into compliance with the regulations of the district in which it is located. Upon such compliance, no nonconforming use shall be made, resumed or reinstated.

Sec. 590.9 EXISTING USE DEEMED CONDITIONAL USE; PERMIT REQUIRED FOR CHANGE.

Any lawfully existing use that, at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of this Zoning Resolution or amendment thereto, is listed as a conditional use in the district in which it is located, shall be deemed without further action to be a conditional use. Any change, modification, enlargement or alteration of such use, site development conditions or signs, or change in ownership shall only be permitted upon review and approval by the Board of Zoning Appeals according to the procedures for conditional uses set forth in Chapter 730.

Sec. 590.10 DETERMINATION OF NONCONFORMING STATUS.

At the time of application for a zoning certificate or request for variance regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence for the Zoning Inspector to determine that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time.

If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of or amendment to this Resolution, the Zoning Inspector shall issue a Certificate of Nonconforming Use.

Sec. 590.11 COMPLETION OF CONSTRUCTION WITH ZONING CERTIFICATE.

Nothing in this Zoning Resolution shall prohibit the completion of the construction and use of buildings for which a zoning certificate has been issued prior to the effective date of this Zoning Resolution, or amendments thereto, provided that construction is commenced within 90 days after the issuance of such certificate, that construction is carried on diligently

and without interruption for a continuous period in excess of 30 days, and that the entire building is completed within two (2) years after the issuance of said zoning certificate.

**ARTICLE VII
ADMINISTRATIVE PROCEDURES**

**CHAPTER 710
Zoning Certificates**

710.1	Zoning certificate required.	710.6	Denial of zoning certificate.
710.2	Agricultural uses exempt.	710.7	Submission to Director of Transportation.
710.3	Zoning certificate application requirements.	710.8	Culvert permit required.
710.4	Review for completeness.	710.9	Expiration of zoning certificate.
710.5	Approval of zoning certificate.	710.10	Temporary use permits.

Sec. 710.1 ZONING CERTIFICATE REQUIRED.

No land shall be disturbed, no building or structure shall be erected, constructed, enlarged, structurally altered, or moved in whole or in part, and no use shall be established or changed in the unincorporated area of Montville Township prior to the issuance of a Zoning Certificate when required by this Chapter. A Zoning Certificate shall be issued only when the plans for the proposed use, building or structure fully comply with the regulations set forth in this Zoning Resolution, unless a variance has been approved by the Board of Zoning Appeals.

Sec. 710.2 AGRICULTURAL USES EXEMPT.

In accordance with O.R.C. § 519.21, any use determined by the Zoning Inspector to be an agricultural use that is located on a lot larger than 5 acres or on a lot that is less than 5 acres that is not subject to regulation according to Sec. 330.1 of the Zoning Resolution shall be exempt from the zoning certification requirements. An Agricultural Exemption Certificate shall be filed with the Zoning Inspector that states that the use is an agricultural use of the property and that the property qualifies for the agricultural exemption prior to the construction of any agricultural building or structure. No zoning certificate shall be required for such agricultural use or any building or structure specifically accessory thereto. No agricultural building shall be occupied by a use other than an agricultural use without first obtaining a zoning certificate in accordance with this Chapter.

Sec. 710.3 ZONING CERTIFICATE APPLICATION REQUIREMENTS.

All applications for zoning certificates shall be submitted to the Zoning Inspector, who shall issue zoning certificates when all applicable provisions of this Resolution have been complied with.

- A. Zoning Certificates for Single-Family Dwellings, and Uses and Structures that are Accessory to Single-Family Dwellings. An application for construction or

alteration of a single-family dwelling, accessory use or accessory structure shall include the following:

1. Applications for principal buildings shall submit the completed application form, along with the application fee as established by the Trustees and the following additional items (Revised June 21, 2007):
 - a) Property address.
 - b) Recorded plat of lot showing all lot dimensions.
 - c) A survey of the lot prepared, stamped, and signed by a registered engineer or licensed surveyor showing the following (Revised 10/28/10):
 - i. Property boundary lines and the exact dimensions and area of the lot to be built upon or utilized.
 - ii. Right-of-way of adjacent streets.
 - iii. Location, dimensions, height, and bulk of all existing buildings and proposed construction for which this application is made.
 - iv. The existing and intended use(s) of all land and buildings.
 - v. Dimensions of yards, driveways, and parking spaces.
 - vi. Elevation and grading plan.
 - vii. Must state/show FEMA, floodplains and/or local floodplains that exist on the lot.
 - viii. Must state/show Army Corps of Engineers wetlands and wetlands setbacks as designated in this Resolution.
 - d) A road culvert/driveway permit, when required by Sec. 710.8.
 - e) Health Department certificate for areas not serviced by sanitary sewers.
 - f) Sanitary sewer tap-in and water permit (when applicable).
 - g) Stormwater management/erosion control permit.
2. Applicants for buildings and structures accessory to a dwelling shall submit the completed application form, along with the required application fee as established by the Trustees and the items listed in subsection 1, above, as applicable, except that a tax map of the lot may be used in place of a survey to indicate the existing buildings and proposed construction. See Section 410.8 L. 14 for additional Wind Energy Conversion System submittal requirements. (Revised 10/28/10)

- B. Zoning Certificates for All Other Permitted Uses. Applications for zoning certificates for permitted uses not described in subsection A. above shall include the submission requirements for site plans set forth in Chapter 720.
- C. Zoning Certificates for Conditional Uses. Applications for zoning certificates for conditional uses shall include the submission requirements for conditional uses set forth in Chapter 450.

Sec. 710.4 REVIEW FOR COMPLETENESS.

The Zoning Inspector shall, within 10 days of receiving a submitted application, review the application to determine accuracy and compliance with the applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed complete and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

Sec. 710.5 APPROVAL OF ZONING CERTIFICATE.

The Zoning Inspector shall act on a Zoning Certificate application as follows:

- A. A Zoning Certificate shall be issued by the Zoning Inspector when in his/her determination it meets all requirements of this Resolution, including the application requirements specified herein. In conducting his/her review of the application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this Resolution. The cost of such additional consultation shall be borne by the applicant, as stated in the schedule of fees. (Effective June 22, 2006)
- B. Applications for Planned Neighborhood Developments shall be transmitted to the Township Trustees for review according to Sec. 412.12.
- C. Applications for Conservation and Controlled Density Planned Residential Developments shall be transmitted to the Zoning Commission for site plan review according to Chapter 720.
- D. Applications for Zoning Certificates for all other permitted uses requiring review of site plans shall be transmitted to the Zoning Commission according to Chapter 720.
- E. Applications for conditional use approval shall be transmitted to the Board of Zoning Appeals according to Chapter 730.
- F. Applications for a variance shall be transmitted to the Board of Zoning Appeals.

Sec. 710.6 DENIAL OF ZONING CERTIFICATE.

A Zoning Certificate shall not be issued where the structure or use, as proposed, would violate one or more provisions of this Resolution. In such case, the Zoning Inspector shall state on the application the reason for the denial, including the regulation(s) which would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated and noted as disapproved.

Sec. 710.7 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

According to ORC 5511.01, before any Zoning Certificate is issued affecting any land within 300 feet of the centerline of a proposed new state highway or a state highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation (ODOT) or any land within a radius of 500 feet from the point of intersection of said centerline with any state highway, the Zoning Inspector shall give notice, by registered mail, to the Director of ODOT and shall not issue a Zoning Certificate for 120 days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, then a zoning certificate shall not be issued. If notified that acquisition at this time is not in the public interest, or upon the expiration of the 120 day period or any agreed upon extension thereof, a zoning certificate shall be granted if the application is in conformance with all provisions of this resolution.

Sec. 710.8 CULVERT/DRIVEWAY AND DITCH ENCLOSURE PERMITS REQUIRED.

No Zoning Certificate shall be granted to build any structure within the confines of the unincorporated area of the Township which has ingress or egress to a township road, county road or state highway until the owner of such property has secured a permit from the State Highway Department, the County Engineer, or the proper Township official (whichever authority has jurisdiction), for permission to install a driveway and a culvert of the proper size and specifications required by the respective authority. (Effective June 22, 2006)

A ditch enclosure permit is required if the roadside is to be tiled. The culvert installed along the roadside shall be the same size as the driveway culvert pipe. A swale shall be maintained. (Effective June 22, 2006)

Sec. 710.9 EXPIRATION OF ZONING CERTIFICATE.

A Zoning Certificate shall become void at the expiration of one (1) year after the date of issuance unless, prior thereto, construction is begun, or an extension has been granted by the Zoning Inspector. The date of expiration shall be noted on the Zoning Certificate.

- A. If no construction is begun within one (1) year of the date of the certificate and an extension has not been granted, a new application, fee and certificate shall be required. (Effective June 22, 2006) Construction is deemed to have begun when all necessary excavation and piers or footers of the structure included in the application have been completed.

- B. Upon showing of valid cause, the Zoning Inspector may grant an extension of the zoning certificate for a period not to exceed 6 months.

Sec. 710.10 TEMPORARY USE PERMITS.

Temporary buildings and uses when permitted as an accessory use in this Resolution shall be required to obtain a temporary use permit in compliance with the application requirements outlined below and the supplemental regulations set forth in Chapter 320, Sec. 320.4 for temporary construction facilities and Sec. 330.4 for temporary sales and special events. The applicant shall submit to the Zoning Inspector a completed application form, along with the application fee as established by the Trustees and two (2) copies of a plot plan containing the following:

- A. Location and use of existing buildings;
- B. Intended ingress and egress of traffic; width of driveways and aisles, the location of parking areas, and the location of any barriers; and
- C. Dimensions, location, and width between any and all temporary buildings, signs, or structures on the premises.

**CHAPTER 720
Development Plan Review**

720.1	Intent.	720.8	Zoning Commission review of a final development plan.
720.2	Development plan review required.	720.9	Action by Zoning Commission.
720.3	Informal review of proposal encouraged.	720.10	Equivalency provision.
720.4	Preliminary development plan submission requirements.	720.11	Financial guarantee.
720.5	Final development plan submission requirements.	720.12	Expiration of development plan approval.
720.6	Development plan review procedures.	720.13	Significance of an approved final development plan; plan revisions.
720.7	Zoning Commission review of a preliminary development plan.	720.14	Revisions to association documents approved by township's legal advisor.

Sec. 720.1 INTENT.

The purpose of this Chapter is to provide adequate review of proposed developments where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and welfare of the community. Having prepared and adopted the Montville Township Development Plan and established a continuing planning process, development plan review criteria are hereby established to achieve, among others, the following specific purposes:

- A. To provide for the planning of land and the design of buildings as a coordinated process.
- B. To provide for the integration of new developments with the surrounding environment.
- C. To provide a system of site development controls to ensure that all developments are consistent with the Township Zoning Resolution.
- D. To ensure that a single development or one built in progressive stages will be constructed in accordance with the approved design.
- E. To ensure the proposals will be developed in accordance with the objectives and policies of the Montville Township Development Plan.

Sec. 720.2 DEVELOPMENT PLAN REVIEW REQUIRED.

Review of a preliminary development plan and/or final development plan shall be conducted in compliance with the following:

- A. Preliminary Development Plan. A preliminary development plan that indicates the general concept of development for an entire development site, including the general location of use areas, open space and circulation pattern shall be required for all proposed Conservation and Controlled Density Planned Residential Developments and any project that includes phased development, including, but not limited to, subdivisions and planned commercial developments. Applicants for other types of projects may but are not required to submit a preliminary development plan.

- B. Final Development Plan. A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives, restricted open space, easements, signs and outdoor storage areas shall be required for the following:
 - 1. All proposed Conservation and Controlled Density Planned Residential Developments following review and approval of a preliminary development plan.
 - 2. New construction of all permitted uses in commercial districts (Revised 09/10/09);
 - 3. New construction of all conditional uses;
 - 4. Any existing or previously approved development meeting the criteria of B2 or B3 above, that proposes to alter, reconstruct or otherwise modify a use or site, including expanding the floor area of the permitted use, or changing the use which requires an increase in the amount of parking or a change in the site's circulation. (Revised 09/10/09)
 - 5. A Development Plan Review and Zoning Certificate shall be required for wind energy conversion systems in residential and commercial districts. (Effective 10/28/10)

- C. Review of Development Plans Waived. The Zoning Commission may determine that review of a development plan is not required where no changes are proposed for an existing site or where only inconsequential changes, as determined by the Zoning Commission, are proposed.

Sec. 720.3 INFORMAL REVIEW OF PROPOSAL ENCOURAGED.

It is recommended that, prior to going to the expense of preparing and submitting a detailed development plan review application for approval, a prospective applicant meet for informal review with the Zoning Inspector, or his/her designated representative, or the Zoning Commission.

- A. The purpose is to discuss early and informally with the applicant the intent and effect of these zoning regulations and the criteria and standards contained within.
- B. To aid the discussion, the application should prepare a discussion plan, drawn approximately to scale, showing the relationship of the development to surrounding properties, locations of buildings and parking areas, internal circulation pattern, proposed sizes of buildings, and proposed uses to be included in the development.
- C. Requests for informal review by the Zoning Commission that are made at least seven days prior to the next meeting of the Zoning Commission will be placed on the agenda of such meeting.
- D. No action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations discussed at the preapplication meeting shall be relied upon by the applicant to indicate subsequent approval or disapproval of the plan.

Sec. 720.4 PRELIMINARY DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for preliminary development plan review shall include a plan for the entire area of the proposed project. The application may be filed by the developer on behalf of the landowner, or by a group of owners of the land within the development area acting jointly upon receipt of written approval by property owner(s). Legal entities must be represented by an attorney. Fifteen (15) sets of the application including the plans and the application fee shall be submitted to the Zoning Inspector. Application for preliminary development plan review shall disclose all uses and their general locations proposed for the development and shall include the following maps, plans, designs and supplementary documents, unless specific item(s) are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector. All maps and plans shall be drawn to an appropriate scale.

- A. A property location map.
- B. The location of existing structures within the development area and access points;
- C. The general location of existing buildings, parking and access drives on parcels within 100 feet of the site;

- D. A topographic survey of the proposed development area, with contours lines at two-foot intervals.
- E. Existing major vegetation features, wooded areas and large isolated trees, one foot or more in diameter.
- F. Location of wetlands (and potential wetlands), the floodplain boundary and floodplain elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
- G. Delineation of existing drainage patterns on the property, existing wells and well sites;
- H. The general location of development areas identified by use, including any fee simple lots and restricted open space areas if part of the proposed project;
- I. The general layout of the proposed circulation system for vehicles and pedestrians, other proposed public ways, access points, and the parking and service system;
- J. A summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space and the number of dwelling units by type;
- K. Proposed phases if the project is to be developed in stages indicating the phase(s) during which any common facilities are anticipated to be constructed;
- L. The following items for Conservation and Controlled Density Planned Residential Developments, in addition to the items identified in subsections A-N above:
 - 1. Areas or structures of known historic significance;
 - 2. Existing views and identification of unique vistas;
 - 3. The location, size, number of units, and density of cluster areas;
 - 4. Natural features to be conserved and any required buffer areas; and
 - 5. Any proposed recreational facilities.
- M. Such other reasonable information as the Zoning Commission may require in order to evaluate the general concept of the proposed development.
- N. For additional Wind Energy Conversion System requirements, see Section 410.8 L. 14. (Effective 10/28/10)

Sec. 720.5 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for final development plan review shall be required for each phase of development. Fifteen (15) sets of the application and the application fee shall be submitted to the Zoning Inspector. The application shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

- A. An accurate legal description prepared by or certified by a registered surveyor of the state;
- B. A property location map showing existing property lines, easements, utilities and street rights-of-way;
- C. A final development plan, prepared by a registered engineer or licensed surveyor qualified professional and drawn to an appropriate scale, indicating the following:
 - 1. Use, location and height of existing and proposed buildings and structures, other than proposed units on fee simple lots;
 - 2. Location of all public rights-of-way, private streets and common drives;
 - 3. Location and configuration of off-street parking areas and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking and circulation;
 - 4. Proposed and existing fences, walls, signs, lighting;
 - 5. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - 6. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 - 7. Dimension of all buildings, building spacing, setbacks, parking areas, drives and walkways.
 - 8. A topographic survey of the proposed development area, with contour lines at two-foot intervals.
 - 9. Existing vegetation features, including large isolated trees, one foot or more in diameter, wooded areas, wetlands and other environmental features;
- D. Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements and any existing trees to be removed;

- E. Preliminary architectural plans for the proposed development or use, showing exterior elevations and building floor plans, prepared by a professional engineer, architect, or surveyor (which shall contain their respective seal).
- F. A summary table showing total acres of the proposed development; number of acres devoted to each type of use including streets and open space; number of dwelling units by type;
- G. For a phased development, a proposed schedule for completion of improvements that are designed to relate to, benefit or be used by the entire development. Such schedule shall be submitted with the first phase and shall relate completion of such improvements to completion of one or more phases of the development.
- H. A road culvert permit when required by Section 710.8;
- I. A letter from the appropriate public agency(s) stating that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, grading and surface draining, floodplain and wetland regulations, if applicable.
- J. The following items for Conservation and Controlled Density Planned Residential Development, in addition to the items identified in subsections A-J above:
 - 1. Location of building envelopes within which dwelling units are to be constructed, and lot lines for single-family detached dwellings.
 - 2. The substance of covenants, grants of easements, or the restrictions proposed to be imposed upon the use or maintenance of land and buildings. If the proposed project is a phased development, such documentation shall be submitted with each phase.
- K. Other information necessary for the evaluation of the final development plan as deemed necessary by the Zoning Inspector.
- L. Review Fees: The applicant shall pay such fees as set by the Trustees.
- M. For additional Wind Energy Conversion System requirements, see Section 410.8 L. 14. (Effective 10/28/10)

Sec. 720.6 DEVELOPMENT PLAN REVIEW PROCEDURES.

Preliminary development plans and final development plans shall be reviewed and distributed according to the following procedures.

- A. Review for Completeness. The Zoning Inspector shall, within 30 days of receiving a submitted application for a preliminary development plan or a final development plan, review the development plan to determine accuracy and compliance with the applicable regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made. Once an application is officially accepted, it shall be placed on the agenda of the Zoning Commission.

- B. Distribution of Plans. The Zoning Inspector shall distribute the application to the following for review and comment. All reports, comments, or expert opinions shall be returned to the Zoning Inspector.
 - 1. Regulatory agencies that have statutory authority to subsequently review and approve any aspect of the development, including, but not limited to, the County Planning Commission, the County Health Department, and County Sanitary Engineer.
 - 2. Other agencies, which at the discretion of the Township, may have appropriate technical expertise.
 - 3. Appropriate local Township administrative officials, including the Township Trustees and Zoning Inspector.
 - 4. Appropriate professional consultants retained by the Township. The applicant shall pay the cost of review by the consultant.

- C. Transmission to the Zoning Commission. The application for development plan review and all reports or comments prepared by the individuals in subsection B above shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission.

Sec. 720.7 ZONING COMMISSION REVIEW OF A PRELIMINARY DEVELOPMENT PLAN.

In reviewing preliminary development plans, the Zoning Commission shall determine that the plan complies with the applicable requirements of this Zoning Resolution and the following review criteria:

- A. The appropriate use and value of property within and adjacent to the area will be safeguarded.
- B. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
- C. The development will have properly designed open spaces that meet the objectives of the Township's Development Plan and the Zoning Resolution.

Sec. 720.8 ZONING COMMISSION REVIEW OF A FINAL DEVELOPMENT PLAN.

In reviewing final development plans, the Zoning Commission shall determine that the plan complies with the applicable requirements of this Zoning Resolution and the following review criteria:

- A. The development plan shows a proper relationship exists between thoroughfares, service roads, driveways and parking areas, and the requirements of this Resolution.
- B. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
- C. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
- D. All development features, including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
- E. Grading, surface drainage and sediment control provisions comply with all applicable sections of the Medina County Engineering Code for Subdivision Development.

- F. The design and construction standards of all private streets and any public improvements shall conform to the provisions of the Medina County Engineering Code for Subdivision Development.
- G. Maximum possible privacy for adjacent residential properties shall be provided through good design and use of the proper building materials and landscaping according to the requirements set forth in this Resolution.
- H. The architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of buildings height, mass, texture, materials, lines and patterns, and character.
- I. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography. Additional tree plantings shall be required on certain sites, according to the Tree Preservation Regulations set forth in this Resolution.
- J. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation.
- K. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion.
- L. Lighting shall be designed as to create neither a hazard nor a nuisance to adjacent properties and uses.
- M. Trash storage and other outdoor storage areas shall be screened from adjacent streets and property.
- N. The final development plan shall substantially conform to any preliminary development plan approved for the site.
- O. If the proposed development is to be carried out in phases, each phase has adequate provision for vehicular and pedestrian access, parking, landscaping, and seeding of restricted open space areas and other improvements to serve the development. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases and adjoining property.

Sec. 720.9 ACTION BY ZONING COMMISSION.

- A. For a preliminary or final development plan, the Zoning Commission shall either:
 - 1. Approve the development plan as submitted; or
 - 2. Return the development plan to the applicant with specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general lot layout, open space arrangement or on-site control of access to streets. A revised hard lined drawing with the specific conditions and/or alterations must be resubmitted prior to approval.
 - 3. Deny the development plan because the proposed plan does not meet the requirements and/or purposes of these regulations.
- B. Upon approval of the preliminary development plan, the developer shall prepare and submit to the Zoning Commission a final development plan. The final development plan shall include any modifications required by the Zoning Commission during the preliminary development plan approval procedures.
- C. Approval of a final development plan by the Zoning Commission shall authorize the Zoning Inspector to issue a Zoning Certificate for the proposed use, except in the case of Conservation and Controlled Density Planned Residential Developments which shall require the review and approval of plans for individual buildings according to the procedures set forth in Chapter 710.
- D. Failure of the Zoning Commission to act within 45 days from the date the application was determined complete, or an extended period as may be agreed upon, shall, at the election of the applicant, be deemed a denial of the development plan.

Sec. 720.10 EQUIVALENCY PROVISION.

In reviewing a final development plan application, the Zoning Commission may find that the plan adheres to or is equivalent to the requirements of this Zoning Resolution.

- A. The Zoning Commission may consider elements of a final development plan to be equivalent to a requirement of this Resolution if:
 - 1. The proposed final development plan substantially complies with all specific requirements and with the purpose, intent and basic objectives of the zoning district;
 - 2. Through imaginative and skillful design in the arrangement of buildings, open space areas, streets, access drives and other features as disclosed by the application, the proposal results in a development of

- equivalent or higher quality than that which could be achieved through strict application of such standards or requirements; and
3. The development, as proposed, shall have no adverse impact upon the surrounding properties or upon the health, safety, or general welfare of the community.
- B. It shall be the responsibility of the applicant to demonstrate to the Zoning Commission that the provisions of this Section have been satisfied. When evaluating the application with respect to this Section, the Zoning Commission shall make any finding of equivalency in writing, which explains how and why the proposal has satisfied the above criteria. When making such finding the Commission may approve the proposed application, including waivers from the numerical standards herein, as if the application were in strict compliance with the standards and requirements in this Zoning Resolution.

Sec. 720.11 FINANCIAL GUARANTEE.

A performance bond or other financial guarantee shall be placed with the Montville Township Trustees to insure the installation of the landscaping and the hardsurfacing of private drives and parking areas and other amenities 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) 10 percent of the estimated cost of the total project, whichever is greater. In a phased project, this applies to each individual phase. For wireless telecommunication facility performance bond see Section 540.5 P. (Revised 10/28/10)

Sec. 720.12 EXPIRATION OF DEVELOPMENT PLAN APPROVAL. (Revised 01/12/17)

An approved development plan shall remain valid for a period of 12 months for non-residential development and 18 months for residential development following the date of its approval, unless the Zoning Commission authorizes a longer period at the time of approval.

- A. Preliminary Development Plan. If, at the end of that time, a final development plan has not been submitted to the Zoning Commission, then approval of the preliminary development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Chapter.
- B. Final Development Plan. If, at the end of that time, construction of the development has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Chapter.
 1. Construction for non-residential development is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

- 2. Construction for residential development is deemed to have begun when excavation for roadways and utilities has begun for the whole project or for the initial phase of a multi-phased project. Subsequent phases of a multi-phased project shall be submitted to the Zoning Commission for review before construction begins on the subsequent phases.
- C. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.
- D. Return of Financial Guarantee. In the event approval of a final development plan expires according to subsection B above, any performance bond or other financial guarantee shall be returned to the applicant.

Sec. 720.13 SIGNIFICANCE OF AN APPROVED FINAL DEVELOPMENT PLAN AND PLAN REVISIONS.

An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations who shall be subject to all requirements set forth in the approved plans. All construction and development under any zoning permit shall be in accordance with the approved final development plan. Any departure from such plan shall be a violation of this Zoning Resolution. Any changes in an approved preliminary development plan or final development plan shall be resubmitted for approval in accordance with this Chapter.

Sec. 720.14 REVISIONS TO ASSOCIATION DOCUMENTS APPROVED BY TOWNSHIP'S LEGAL ADVISOR.

Whenever a homeowners' association, community association, condominium association, declarant, or similar legal entity amends its bylaws or code of regulations, such amendment shall be submitted to the Montville Township Zoning Office for review and approval by legal counsel of issues regulated by the Montville Township Zoning Resolution prior to the amendment being filed with the Medina County Recorder's Office. Failure to obtain approval of such amendment shall be deemed a violation of this Zoning Resolution. Once an amendment is approved by the Township's legal counsel and filed with the Medina County Recorder's Office, a certified copy shall be submitted to the Zoning Office in accordance with Chapter 320, General Provisions, Section 320.8. (Revised 09/10/09; 01/12/17)

**CHAPTER 730
Conditional Zoning Certificates**

730.1	Intent.	730.8	Action by Board of Zoning Appeals.
730.2	Submission of application.	730.9	Mandatory review of conditional use operations.
730.3	Review for completeness.	730.10	Terms and duration of conditional zoning certificate.
730.4	Distribution of application.	730.11	Reapplication.
730.5	Notification to Zoning Commission; Township Trustees.	730.12	Change to an existing conditionally permitted use.
730.6	Public hearing and notice by Board of Zoning Appeals.		
730.7	Review criteria.		

Sec. 730.1 INTENT.

When a proposed use is permitted in a zoning district as a conditional use, as set forth in the district regulations, a conditional zoning certificate is required and the application for such conditional zoning certificate shall be submitted and reviewed according to the guidelines outlined in this chapter.

Sec. 730.2 SUBMISSION OF APPLICATION.

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Inspector an application for a conditional zoning certificate accompanied by payment of the required nonrefundable fee established by the Trustees. The application for a conditional zoning certificate shall disclose all uses proposed for the development, their location, extent and characteristics and shall include the following:

- A. The application form completed by the applicant.
- B. A development plan and associated documentation as required in Chapter 720 unless specific items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.
- C. Additional plans, where appropriate, for reclamation.
- D. A statement supported by substantiating evidence regarding the requirements enumerated in Chapter 450.
- E. A list of the names and addresses of the owners of all properties within and contiguous to and directly across the street from the subject parcel, as appearing on the County Auditor's current tax list or the Treasurer's mailing list and such other list or lists as may be required. (Effective June 22, 2006)

Sec. 730.3 REVIEW FOR COMPLETENESS.

The Zoning Inspector shall review each submitted application for completeness according to Sec. 710.4. Once an application is officially accepted as being complete, it shall be placed on the agenda of the Board of Zoning Appeals.

Sec. 730.4 DISTRIBUTION OF APPLICATION.

The Zoning Inspector shall forward the application to the following for their review and comment. All reports, comments, or expert opinions shall be returned to the Zoning Inspector.

- A. The application may be transmitted to appropriate Township and County administrative departments or officials and qualified professional consultants for review and comment. The cost of the review by a consultant shall be paid by the applicant.
- B. The application and any department reports, comments or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Board of Zoning Appeals for review at their next regularly scheduled meeting.

Sec. 730.5 NOTICE TO ZONING COMMISSION.

Simultaneously to transmission of the application to the Board of Zoning Appeals, the Zoning Inspector shall send notice of the application for conditional zoning certificate to the Zoning Commission.

Sec. 730.6 PUBLIC HEARING AND NOTICE BY BOARD OF ZONING APPEALS.

After adequate review and study of an application, the Board of Zoning Appeals shall set a date for a public hearing on the application and hold a public hearing. At least 10 days prior to the date of the public hearing, notice of such public hearing shall be given by first class mail to the owners of property within and contiguous to and directly across the street from the property on which the use is proposed, including property that is located in an adjoining community. Failure of delivery of such notice shall not invalidate action taken on such application. Further notice shall be given in one or more newspapers of general circulation in the Township at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use.

The Board may recess such hearing and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required. Any person may appear before the Board at the public hearing on the application and state their reasons for or against the proposal.

Sec. 730.7 REVIEW CRITERIA. (Revised 01/12/17)

The Board of Zoning Appeals shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Resolution. In making such a determination, the Board of Zoning Appeals shall find that both the general criteria established for all conditional uses and the specific requirements established for that particular

use, as set forth in Chapter 450 of this Resolution, are satisfied by the establishment and operation of the proposed use. The Board of Zoning Appeals:

- A. Shall review any request for variance of any regulation set forth in this Zoning Resolution pertaining to the proposed conditional use, provided the request for variance has been submitted in compliance with the procedures set forth in the Zoning Resolution
- B. May require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice. The cost of such additional information shall be borne by the applicant, as stated in the schedule of fees. (Effective June 22, 2006)

Sec. 730.8 ACTION BY BOARD OF ZONING APPEALS.

After the conclusion of the public hearing, the Board of Zoning Appeals shall take one of the following actions:

- A. If the proposed conditional use is determined by the Board of Zoning Appeals to be appropriate, the Board of Zoning Appeals shall approve the application for a conditional zoning certificate.
- B. If the proposed use is found not to be in compliance with the specifications of this Zoning Resolution, or not appropriate to or in keeping with the purpose, policies and intent of the Montville Township Development Plan, the Board of Zoning Appeals shall reject the application.

Sec. 730.9 MANDATORY REVIEW OF CONDITIONAL USE OPERATIONS.
(Revised 4/21/11)

- A. Whenever the operation of the approved conditional use is regulated either by conditions set forth in this Chapter or by conditions, stipulations, safeguards and limitations prescribed by the Board of Zoning Appeals, (Effective June 22, 2006) the Zoning Inspector shall review the operation of the conditional use not more than three years from the date of issuance to determine if the use has been and is being operated in compliance with the conditions of the conditional zoning certificate.
- B. Subdivision/Developments: Every three years, the conditional zoning certificate for a development/subdivision shall be reviewed for compliance by the Board of Zoning Appeals to determine that the said use has been and is being operated according to the specifications of the Zoning Resolution and the conditional zoning certificate. The three-year compliance review shall be removed when the approved development/subdivision plan has been completed and turned over to the homeowners' association if applicable.

Sec. 730.10 TERMS AND DURATION OF CONDITIONAL ZONING CERTIFICATE.

A conditional zoning certificate shall be deemed to authorize a particular conditional use on a specific parcel for which it was approved.

- A. A conditional zoning certificate shall become void at the expiration of one year from the date of approval unless, prior thereto, construction is begun, or an extension has been granted by the Zoning Inspector. The date of expiration shall be noted on the zoning certificate.
 - 1. Upon showing valid cause, the Zoning Inspector may grant an extension of the conditional zoning certificate for a period not to exceed 6 months.
 - 2. If no construction has begun within one year from the date of approval and an extension has not been granted, a new application and certificate shall be required. Construction is deemed to have begun when all necessary excavation and piers or footers of the structure included in the application have been completed.
- B. The breach of any condition, safeguard or requirement shall constitute a violation of the Zoning Resolution and may invalidate the conditional zoning certificate granted. Such violation shall be punishable as permitted by the Ohio Revised Code. A conditional zoning certificate issued pursuant to this Chapter shall be valid only for the use and the operation of such use as specified on the certificate.

Sec. 730.11 REAPPLICATION.

No re-application for a conditional zoning certificate shall be accepted by the Zoning Inspector until the expiration of one year after the denial or revocation, unless the re-application is based on a change in circumstances from the time of the previous public hearing, sufficient to justify another hearing as determined by the Board of Zoning Appeals. A re-application shall comply with all the requirements of this Chapter, including payment of the required fee.

Sec. 730.12 CHANGE TO AN EXISTING CONDITIONALLY PERMITTED USE.

Any change to a use that was existing at the time of passage of this Zoning Resolution Update and which is conditionally permitted in the respective zoning district, shall require review and approval by the Board of Zoning Appeals according to the procedures set forth in this Chapter.

**CHAPTER 790
Enforcement and Penalty**

790.1	Zoning Inspector to enforce resolution.	790.3	Actions to bring about compliance with zoning regulations.
790.2	Zoning violation.	790.4	Penalty.

Sec. 790.1 ZONING INSPECTOR TO ENFORCE RESOLUTION.

It shall be the duty of the Zoning Inspector to enforce the regulations found in this Resolution. In performing this duty, the Zoning Inspector may take any reasonable action necessary to substantiate the existence of a zoning violation including entering onto the site of a possible violation. The Zoning Inspector shall conduct all site inspections at a reasonable hour and in a reasonable manner and shall carry adequate identification.

Sec. 790.2 ZONING VIOLATION.

Violations of the provisions of this Resolution, or supplements or amendments thereto, shall constitute a misdemeanor. The owner or tenant of any building, structure, premises, or part thereof; or any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation shall be deemed responsible and suffer the penalties provided herein.

Sec. 790.3 ACTIONS TO BRING ABOUT COMPLIANCE WITH ZONING REGULATIONS.

- A. Notification. The Zoning Inspector shall, upon inspection and identification of a zoning violation, send a written order to the landowner or responsible party requiring him/her to remedy the violation. After such order is served to the landowner or posted on the premises, no work except to correct or comply with said violation shall proceed on any building or tract of land included in the violation.
- B. Correction Period. After a written order is issued, all violations shall be corrected within the period of time as specified by the Zoning Inspector based on the nature of the violation. Any violations not corrected within the specified time period shall be reported to legal counsel who shall initiate prosecution procedures. (Revised 9/27/18)

- C. Action. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or proposed to be used in violation of any provisions of this Zoning Resolution, the Board of Township Trustees, 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 proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

Sec. 790.4 PENALTY.

The penalty for violation of any section of this Resolution, upon conviction, shall be not more than the amount specified in Sec. 519.99 of the Ohio Revised Code for each offense. Each day's continuation of a violation of this Resolution shall be deemed a separate offense.