

CONDITIONAL ZONING CERTIFICATES
SECTION 9

PURPOSE:

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

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

PROCEDURE FOR MAKING APPLICATION:

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

1 - Application Submitted to Zoning Inspector

Each request for a Conditional Zoning Certificate requires a single application to be submitted to the Zoning Inspector on a special form for that purpose, supplied by the Zoning Inspector. Each application shall be accompanied by the payment of a fee, as determined by the Board of Trustees. In addition, the Board of Zoning Appeals, where appropriate, may refer an application to a qualified consultant for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant and said report shall be furnished to the Board of Zoning Appeals as soon as it is practicable.

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2 - Data Required With Application

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

3 - Review by Board of Zoning Appeals

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

4 - Hearing

The Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing.

5 - Issuance of Conditional Zoning Certificate, Violation and Penalty

Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board of Zoning Appeals issue a conditional zoning certificate. The breach of any condition, safeguard, or requirement, shall constitute a violation of this Resolution. Such violation shall be punishable as per **Section 11 and Section 12.**

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6 - Reapplication

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

7 - Continuation of Existing Uses Conditionally Permissible

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

I - BASIS OF DETERMINATION

(a) - Conditions to be met: The Appeals Board, prior to the issuance of a Conditional Zoning Certificate, shall establish by clear and convincing evidence that the general standards hereinafter set forth and the specific regulations herein set forth pertinent to each proposed use have been substantially met and satisfied by the applicant seeking the zoning certificate. The Appeals Board shall also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Zoning Code will be observed.

(b) - General Standards: The Appeals Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find evidence showing that such use on the proposed location:

1 - Will be harmonious with and in accordance with the general objectives or with any specific objective of the Township Land Use and Thoroughfare Plan of current adoption and this Zoning Code.

2 - Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area. (Reference: Conditionally Permitted Uses: **R-6.2** and **C-2**).

3 - The Board of Zoning Appeals shall determine the depth and the amount and type of trees, shrubs or fencing or any combination thereof, in creating a Transitional or Buffer Zone between the Industrial and Commercial or Residential Zones.

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4 - Will not be hazardous or disturbing to existing or future neighboring uses.

5 - Will not be detrimental to property in the immediate vicinity or to the community as a whole.

6 - Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

7 - All structures, roads and utilities shall be in compliance with the Medina County Subdivision Regulations, and the Medina County Board of Health standards and the Medina County Building Code.

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

II - CONDITIONALLY PERMITTED USES: REGULATIONS

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

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

1 - All building/structures and activity areas should be located at least fifty (50) feet from the rear property line, but shall in no event be less than twenty (20) feet from side property lines. Reference: Conditionally Permitted Uses: **R-6.2**; 1-5, 10, 12, 13, 15, 17, 21, 24, 26, **C-2**; 4, 5, and **I-3**; 1, 3-6.

2 - Loud speakers which cause a hazard or annoyance shall not be permitted. Reference: Conditionally Permitted Uses: **R-6.2**; 6, 7, 11, 18, 23, 25, **C-2**; 1, 2 and **I-3**; 1, 3-6.

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3 - All points of entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two major thoroughfares, no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares. Reference: Conditionally Permitted Uses: **R-6.2**; 1-9, 11, 24, 25, **C-2**; 1, 2, 4, 5 and **I-3**; 1, 3-6.

4 - There shall be no more than one advertisement oriented to each abutting road identifying the activity. No sign can be larger than that permitted in the zoning area in which it is located. Reference: Conditionally Permitted Uses: **R-6.2**; 1-9, 11, 13, 14, 18-20, 23-25, **C-2**; 1-5 and **I-3**; 1, 3-6.

5 - No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, no lighting shall shine directly on adjacent properties. Reference: Conditionally Permitted Uses: **R-6.2**; 1-11, 15, 18-20, 22-25, **C-2**; 1-6, and **I-3**; 1, 3-6.

6 - Such building/structure should be located on a collector or minor thoroughfare as defined by the County Highway Engineer. Reference: Conditionally Permitted Uses: **R-6.2**; 1-5, 13, 18, 24, **C-2**; 1, 2, 4, 5 and **I-3**; 1, 3-6.

7 - Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares. Reference: Conditionally Permitted Uses: **R-6.2**; 1-11, 13, 18, 24, **C-2**; 1-5 and **I-3**; 1, 3-6.

8 - Such developments should be located adjacent to non-residential uses such as churches, parks, industrial or commercial districts. Reference: Conditionally Permitted Uses: **R-6.2**; 1-5, 23, 24, **C-2**; 1, 4, 5 and **I-3**; 1, 3-6.

9 - Any temporary building/structure shall be indicated as such on site plan submitted to the Board of Zoning Appeals for approval. Reference: Conditionally Permitted Uses: **R-6.2**; 6-11, 14-16, 18, 23-25, **C-2**; 1, 2, 4, 5, and **I-3**; 1, 3-6.

10 - Such uses shall not require uneconomic extensions of utility services and widening or resurfacing roads at the expense of the community. Reference: Conditionally Permitted Uses: **R-6.2**; 1-14, 16, 18, 23-25, **C-2**; 1-5 and **I-3**; 1, 3-5.

11 - Site locations should be permitted that offer natural or man-made barriers that would lessen the effect of intrusion into residential area. Reference: Conditionally Permitted Uses: **R-6.2**; 1-13, 16, 18-25, **C-2**; 1-5 and **I-3**; 1, 3-6.

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12 - Such uses should be properly landscaped to be harmonious with surrounding residential uses. Reference: Conditionally Permitted Uses: **R-6.2**; 1-22, 24-26, **C-2**; 1-5 and **I-3**; 1, 3-6.

13 - Shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fence shall be adequate to prevent trespass. shall be placed no closer than fifty (50) feet to the top or bottom of any slope. Reference: Conditionally Permitted Uses: **R-6.2**; 10, **C-2**; 1 and **I-3**; 3.

14 - No rehabilitated slope shall exceed an angle with the horizontal of forty-five (45) degrees. Reference: Conditionally Permitted Uses: **R-6.2**; 16.

15 - Such building/structures should be located adjacent to parks and other non-residential uses, such as schools and shopping facilities where use could be made of joint parking facilities. Reference: Conditionally Permitted Uses: **R-6.2**; 11.

16 - All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration. Reference: Conditionally Permitted Uses: **R-6.2**; 16.

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

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

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19 - Such uses shall be permitted under the following conditions:

- (a) - All activities, except those required to be permitted at the fuel pumps, and car washing shall be carried on inside a building. If work is performed on a vehicle, such vehicle shall be entirely within a building.
- (b) - If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as permissible.
- (c) - At least a six inch pedestrian safety curb shall be installed along the street right-of-way lines except at driveway approaches.

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

- (a) - In addition to the other requirements of this subsection, the application shall include any other data needed by the Board of Zoning Appeals to rule on the application.
- (b) - Each boundary of the park must be at least 200 feet from any permanent buildings outside the park, unless separated by a natural or artificial barrier.
- (c) - The park shall be graded to be well drained.
- (d) - Mobile home spaces shall be a minimum of 5,000 square feet for each space and at least fifty (50) feet wide, forty (40) feet deep and clearly defined.
- (e) - There shall be at least a thirty (30) foot clearance between mobile homes. No mobile home shall be closer than twenty (20) feet from any building within the park or fifteen (15) feet from any property line bounding the park.
- (f) - All mobile home spaces shall abut a driveway of not less than twenty (20) feet in pavement width, which shall have unobstructed access to a public thoroughfare. All paving shall meet the requirements of County Engineer standards and be lighted at night with shaded street lights, (mercury vapor type), each spaced at intervals of not less than one hundred (100) feet.

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- (g) - Each park shall provide service buildings to house laundry, storage facilities and offices. Construction shall meet the standards of the County Building Code. Walkways not less than two (2) feet wide, and paved, shall be from the mobile home spaces to the service buildings.
- (h) - Each mobile home space shall be provided a trapped sewer at least four inches in diameter which connects with a centralized disposal system.
- (i) - Adequate garbage and rubbish cans shall be provided and not further than 300 feet from any trailer space.
- (j) - Each park shall be equipped at all times with adequate fire extinguishing equipment as determined by the Township Fire Officer.
- (k) - The permittee, or any duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary conditions and free from any condition that will menace the health of any occupant or the public or constitute a nuisance.
- (l) - Mobile homes must be a minimum 400 square feet living space.
- (m) - Off street parking must be provided at the rate of a minimum of two car spaces per mobile home.
- (n) - Minimum one acre of recreation ground, not including buffer zone 10% of total acres. Reference: Conditionally Permitted Uses: **C-2; 2.**

21 - Rooming and boarding houses shall also be used for family dwelling purposes and contain no sign for advertising its use. Reference: Conditionally Permitted Uses: **R-6.2; 13.**

22 - HOME OCCUPATION TYPE A:

Such uses shall be secondary and incidental to the use of the dwelling for dwelling purposes.

- (a) - Such uses shall be conducted by resident owners residing on the premises, with no more than one full or part time employee.
- (b) - Such occupation shall be carried on entirely within the dwelling and not in an accessory building.
- (c) - The conducting of the home occupation shall not occupy more than twenty (20) percent of the living floor area of any one dwelling unit.
- (d) - The proposed use shall not constitute primary or incidental storage for a business, industry, or activity conducted elsewhere.

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- (e) - No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way or adjacent property.
- (f) - For purposes of advertising, there shall be no more than one non-illuminated sign for identification, not to exceed four (4) square feet or more than three (3) feet in height from the ground level. Set back from road right-of-way to be determined by the Appeals Board.
- (g) - A commercial vehicle, not exceeding twenty-six (26) feet in length, seven (7) feet in height, nine thousand (9,000) pounds Gross Vehicle Weight, or one (1) ton load capacity, shall be permitted.
- (h) - The proposed use shall not generate noise, odor, fumes, smoke or vehicular or pedestrian traffic in an amount which would tend to depreciate or change the residential character of the neighborhood in which the proposed use is located.
- (i) - No materials or supplies shall be sold from the premises. All materials and supplies used in the home occupation shall be housed within the home. Reference: Conditionally Permitted Uses: **R-6.2**; 14.
(Amended 9-11-97; Effective 10-11-97)
- (j) - A discontinuance of the home occupation for a period of one (1) year or longer, or if the property is sold or change of ownership in any way shall automatically terminate the Conditional Zoning Certificate. (Amended 9-5-06; Effective 10-5-06)

22A - HOME OCCUPATION TYPE B:

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

- (a) - Such use shall be conducted by resident property owners residing on the property with no more than one non-resident employee.
- (b) - Such utilization shall take place entirely within a completely enclosed accessory building, that sits parallel to or behind the front of the residence, but must be separated from the side and back property lines by at least seventy-five (75) feet.

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- (c) - All activity or equipment indicative of the occupation, including parking of commercial vehicles or commercial equipment involved in the home occupation, shall be within an enclosed building/structure and shall not be visible from any public way or adjacent property.
- (d) - No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking by the home occupation shall meet all of the parking requirements as specified in this resolution under **PARKING REGULATIONS**.
- (e) - For purposes of advertising there shall be no more than one non-illuminated sign for identification, not to exceed four (4) square feet and three (3) feet in height from ground level.
- (f) - The accessory building/structure for home occupation may be a garage or other enclosed building/structure. The floor area shall be sufficient to house all equipment and vehicles allowed in the occupation, which shall be determined by the Board of Zoning Appeals.
- (g) - No equipment or process shall be used in such occupation which would cause an objectionable disturbance, to a person of normal sensibility, such as noise, vibration, glare, odors or electrical interference. Evidence of the above objectionable disturbances beyond the lot lines of the property.
- (h) - Hours of outside movement associated with the home occupation shall be determined by the Board of Zoning Appeals.
- (i) - No materials or supplies shall be sold from the premises. All supplies and materials used in the home occupation shall be housed within an accessory building/structure.
- (j) - All maintenance and repair work shall be done within an enclosed accessory building/structure, unless permitted as one of the conditions set by the Board of Zoning Appeals.
- (k) - Any continued violation of the above criteria shall be grounds for revocation of the conditional Zoning Permit after due process.

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- (1) - A discontinuance of the home occupation for a period of one (1) year or more, or if the property is sold or changes hands in any way, shall automatically terminate the conditional zoning permit. Reference: Conditionally Permitted Uses: **R-6.2**; 14.
- 23** - Primary and accessory buildings/structures including parking areas shall constitute not over 40% of the lot area. Reference: Conditionally Permitted Uses: **R-6.2**; 1-5,24.
- 24** - All grave markers shall be ground level. Reference: Conditionally Permitted Uses: **R-6.2**; 8.
- 25** - All cemetery drives shall be hard surfaced. Reference: Conditionally Permitted Uses: **R-6.2**; 8.
- 26** - **Multiple Family Dwellings:**
- (a) - Minimum lot size: four (4) acres per dwelling unit.
 - (b) - Each dwelling shall have an enclosed garage.
 - (c) - Each drive shall be hard surfaced. Reference: Conditionally Permitted Uses: **R-6.2**; 12.
- 27** - **Roadside Stands:**
It is the intention of this resolution to be able to sell goods, made or produced on the premises, at a roadside stand with an approved Conditional Zoning Certificate on a no-charge basis.
- (a) - Setback - Temporary structures only, to be a minimum of twenty-five (25) feet from the road right-of-way.
 - (b) - Off road parking shall be provided
 - (c) - Signs as permitted in the Zoning District
- Reference: Conditionally Permitted uses: **R-6.2**; 15, 19.
- 28** - **Barns:** When no longer used for agricultural purposes, may be conditionally permitted for any use not found inconsistent within the permitted uses in the district in which it is located, providing the following conditions are met as well as any others deemed necessary by the Board of Zoning Appeals under its general authority to grant conditional uses.
- (a) - Cause no excessive traffic congestion by trucks or customer pick-up.
 - (b) - Storage purposes: Provided exterior of building/structure is not altered or added to.

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- (c) - Uses free from obnoxious odors, dust, or noise.
- (d) - No outside storage of equipment, merchandise, supplies, etc.
- (e) - Human occupancy:
 - 1 - Setback: Minimum setback lines for the particular district.
 - 2 - Meets all Medina County Building and Health Department Regulations. Reference: Conditionally Permitted Uses: **R-6.2**; 17.

29 - Airports:

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

30 - Saw Mills:

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

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

- (a) - Must comply with standards of the Medina County Board of Health.
- (b) - The number of persons will be no more than **430** persons to the acre.
- (c) - Supervised parking area shall be provided for a minimum of **107** spaces of **240** square feet per space per acre.
- (d) - Medina county Sheriff Department shall be informed for the orderly flow of traffic on County and Township roads.

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- (e) - Area shall be cleaned up and restored to its original condition.
- (f) - At the discretion of the Board of Zoning Appeals as to whether or not a bond must be posted.
- (g) - Egress and ingress shall be located as not to cause trespassing on adjacent properties. Reference: Conditionally Permitted Uses: **R-6.2**; 23.

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

(a) - Setback:

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

33 - **Billboards**:

- (a) - No freestanding billboard shall have less than three (3) feet of open space along its entire length. Latticing shall be regarded as satisfying this requirement.
- (b) - Billboards shall be regarded as buildings or structures within the meaning of this Zoning Resolution and shall conform to all setbacks and yard regulations of the district in which they are located.
- (c) - Any illuminated billboard shall be shaded, so as not to interfere with or annoy neighbors.
- (d) - All billboards erected within one-hundred (100) feet of any intersection must be erected so as not to obstruct view or cause a traffic hazard.
- (e) - Any billboard illuminated with flashing or rotating flashing lights, including neon or other gaseous types or incandescent lamps, erected within one-hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic, may not duplicate in the electric light of such signs any color appearing in the traffic control signal.
- (f) - Height of signs or billboards shall not exceed fifty (50) feet above ground level.
- (g) - The size of the sign shall be harmonious with the area in which it is installed. Reference: Conditionally Permitted Uses: **R-6.1**; 19, 20 and **C-2**; 3.

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34 - Camping, Recreation Areas and Facilities:

- (a) - The recreational uses permitted will be only those specifically listed in the zoning certificate granted.
- (b) - There will be no more than one advertisement oriented to each abutting road identifying the activity.
- (c) - All buildings/structures , roads and utilities shall comply with the Guilford Township Zoning Resolution, the Medina County Subdivision regulations and the Medina County Board of Health standards.
- (d) - All buildings/structures, facilities, and active recreational areas shall be set back from the roadside, 100 feet and shall be located at least 100 feet from all property lines.
- (e) - Flood lights and loudspeakers which cause a hazard or annoyance shall not be permitted.
- (f) - All outdoor lighting shall be shielded and shall in no way impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.
- (g) - Vehicular approached to the property shall be designed as not to create an interference with traffic on surrounding street or roads and neighboring drives.
- (h) - All points of entrance or exit shall be located no closer than 200 feet from the intersection of two major streets, no closer than 100 feet from a major intersection, or 100 feet from an intersection of two minor streets, and no closer than 100 feet from any driveway on the same side of the street.
- (i) - Off street parking shall be provided. **Ref.: Section 4.14-3 and 4.15.**
- (j) - All sanitary facilities shall be in accordance with the Medina County Board of health Regulations, and the State of Ohio Board of health and the approval of the Medina County Sanitary Engineer.
- (k) - Camping areas and Golf Courses shall be no less than 50 acres in area.
- (l) - Seasonal Dwellings: Any cottage for casual rent must conform to the Medina County Building Code, and have permanent sewage facilities. Cottages be a minimum of 12x16 feet or (192 sq. ft.) as single cottages. Doubles must be a minimum of 12x32 feet or (384 sq. ft.). Cottages erected under the provisions of this Zoning Resolution may not be used as permanent dwellings. Minimum clearance between each cottage shall be fifty (50) feet. No permit shall be issued for any seasonal dwelling or camping facilities without satisfactory and legally acceptable evidence or safeguards that the seasonal dwelling or camping facilities will never be used as a year round or principal residence of any person or family. It shall be the duty of any applicant to produce the necessary evidence of safeguards.

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- (m) - Noises, fumes or vibrations shall not be created so as to annoy people of normal sensibilities beyond the property of the facility.

Reference: Conditionally Permitted Uses: **R-6.2**; 6, 7, 11.

35 - Earth Sheltered Housing:

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

36 - Rear Lot Development:

PURPOSE

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

- A** - One rear lot development behind an existing front residential lot shall be permitted with a minimum of one (1) single family dwelling per minimum lot area. no dwelling shall be erected on said lot unless it has access to a public street. Said access shall be sixty (60) feet wide from the road right-of-way to the rear lot. Said access way may not form a part of any lot width or lot area as required by this Zoning Resolution.

- B** - Said access way shall be part of the main parcel such that only one (1) parcel is created, with the requirements provided by law for deeds, and shall be filed with the Recorder of Medina County for record.

C - LOT REQUIREMENTS:

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

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D - YARD REQUIREMENTS:

All buildings/structures shall be located to provide maximum privacy for frontage lots. No building/ structure on a back lot shall be located within one-hundred-fifty (150) feet of the property line of a frontage lot. The Board of Zoning Appeals may require a greater separation to insure privacy for adjacent frontage lots, or to ensure health and safety. A minimum setback of fifty (50) feet from all other back lot property lines shall be required for all buildings/structures.

E - ACCESS DRIVE:

- 1 - Maximum one (1) single family dwelling per access drive.
- 2 - All lots shall have an access drive with a minimum width of sixteen (16) feet unobstructed, within the sixty (60) foot access way, with a minimum of ten (10) feet of driving surfaces, i.e. No trees, fencing, shrubs, etc.
- 3 - Where an access drive crosses a filed ravine, the graded surfaces shall have marked seeded banks, having a slope not less than three (3) horizontal feet to one (1) vertical foot.
- 4 - Where a curve occurs in a driveway, the inside edge of the drive surfaces shall have a minimum radius of thirty-five (35) feet.
- 5 - Exact location of an access drive shall be shown on a plot plan presented to the Township Zoning Inspector when applying for a Conditional Zoning Permit. The proper permits for the drive from the Medina County Engineer's Office, if on a Township or County road, or from the Ohio Department of Transportation, District 4, if on a State Route, shall also be presented at this time.
- 6 - All access drive surfaces or beginning of a slope must be ten (10) feet from all side and rear lot lines.
- 7 - Each application for Conditional Use for rear lot development shall have attached thereto the construction specifications for the access drive, which must be prepared by a registered civil engineer with certification to bear a minimum weight as specified by loading requirements of State of Ohio Code HS-20.
- 8 - The access drive shall not be located in a watercourse, drainage ditch or swale. When the access drive must cross a watercourse, ditch or swale, bridging, culverts or other means shall be used to prevent flooding and provide for adequate drainage of water along the waterway. The building of the access drive shall in no manner inhibit or modify the water flow characteristics of the surrounding areas.

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

- 9 - If the access drive exceeds five-hundred (500) feet in length, there shall be a ten (10) foot wide by fifty (50) foot long pullout every five-hundred (500) feet.
 - 10 - The minimum distance between back lot driveway locations shall be four-hundred-twenty (420) feet along the adjacent public thoroughfare. If two (2) pre-existing rear lot driveways are adjacent to each other, then the minimum distance between additional back lot driveway locations shall be six-hundred (600) feet. (Amended 4/18/06; Effective 5/18/06)
- F - APPLICATIONS** for rear lot development shall include the following warning: "The undersigned grantee(s) hereby acknowledges(s) that the premises described herein is located upon a non-dedicated easement of access, and further grantee(s) understand(s) that no government body is responsible for the care and maintenance of access." (Amend 3-09-00; Effective 4-08-00)
Reference: Conditionally Permitted Uses: **R-6.2; 27.**
- 37 -** The following specific guide lines shall be met in addition to the General Provisions of Section 4, before the issuance of a Conditional Zoning Certificate, to house or cage Non-Domestic Animals, plus any other conditions found necessary to meet the Conditionally Permitted Use provisions of this code by the Board of Zoning Appeals.
- 1 - Cage, Pen, housing, or structure shall be built in such a way that:
 - (a) - The animal cannot escape.
 - (b) - Unauthorized persons cannot enter.
 - (c) - Enclosed on all sides, including the top.
 - (d) - Gate with padlock and key, or other locking device requiring a key to open.
 - (e) - Floor of cage or pen shall be constructed of concrete, blacktop, or other sufficient material to keep the animal from digging out of the enclosure.
 - 2 - Facility to be inspected by the Township Zoning Inspector.
 - 3 - Other animals shall not be housed in the same structure, previously approved by the Board of Zoning Appeals.
 - 4 - Adequate proof of personal injury and property damage insurance must be submitted to the Board of Zoning Appeals at the time of the public hearing. Applicant to provide proof of payment of insurance premium annually to the Zoning Inspector.
 - 5 - State or Federal permits, if required, must be obtained before issuing a Conditional Zoning Certificate. (State regulates indigenous animals. Federal regulated zoos and commercial sales.)

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

6 - Applicant to bear the cost of reviews by outside consultants.
(Amended 7-19-89; Effective 8-19-89) Reference: Conditionally Permitted
Uses: **R-6.2**; 28 and **C-2**; 6.

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

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

39 - Open Space Zoning:

A - Purpose

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

B - Goals

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

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

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

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

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

C - Lot Size

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

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

D - Permitted Uses

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

E - Information Required on Plans

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

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

- d - Any other data the Board of Zoning Appeals may decide necessary to determine compliance of this section.
- 3 - A management plan describing the mechanisms through which any common land, agricultural operations, recreational facilities, roads, parking areas, community water and sewer systems, or other facilities and improvements will be used, owned, maintained and preserved.

F - Standards for Open Space Conservation Developments

All open space conservation developments will meet the following standards:

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

Original Tract Acreage	= 100 acres
Less area in streets and right-of-ways; Approximately 15 acres (15%0	= 85 acres remaining
Number of dwelling units allowed is; 1 unit for each 4 acres of net developable acres. (Section 6-6.3-2)	= 20 dwelling units
Optimum open space is 50% of 85 acres	= 42.5 acres
Net developable acreage	= 42.5 acres

- 4 - The minimum side and rear yard setbacks at the property of the homesite/building lot cluster areas within an open space development shall be fifty (50) feet to provide more open areas.
- 5 - No residential building shall be constructed within fifty (50) feet of the development periphery.

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

- 6 - A natural landscape buffer strip of fifty (50) feet in depth from the right-of-way of the existing street frontage and will be considered as part of the open space. These natural landscaped buffer strips shall be totally and completely screen the view of residentially developed interior lands during all seasons of the year. The natural landscaped buffer strips shall be planted with a mixture of deciduous and coniferous trees and shrubs of sufficient size and caliper to achieve the required screening within a period of eight (8) years. The buffer strip shall be subject to the Board of Zoning Appeals approval.
- 7 - The open space development shall be consistent with applicable local plans and all applicable regulations as stated in the **Purpose and Goals, 39 A-B.**
- 8 - The open space development will meet the applicable site plan review requirements.
- 9 - The proposal shall provide for permanent preservation of open space and agriculturally productive lands. All lands within the open space development will be protected in perpetuity by conservation easement, homeowner's association, deed restriction, and Township easement or a combination thereof.
- 10 - Residential dwellings are limited to single family detached dwellings, not to exceed 2-1/2 stories or 35 feet.
- 11 - Minimum building lot size within the open space development will be one (1) acre.
- 12 - All building lots will have a minimum frontage of 125 feet unless located on the bulb end of a Cul-De-Sac street, where the lot width is determined at the building line.
- 13 - Front yards, rear yards and side yard setbacks of individual building lots shall be as required by **Section 6-6.3** of this resolution.
- 14 - If there is more than one cluster area in the development, no building lots shall be permitted along the collector street in the buffer zone.
- 15 - All streets within the open space development must be constructed according to Medina County Highway Engineers.
- 16 - No commercial recreational development shall be permitted.

G - Minimum Percentage of Open Space

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

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

- 1 - The minimum of forty percent (40%) and an optimum of fifty percent (50%) of the original land remaining after subtracting the percentage of land specified for the following kind of land:
 - a - Existing and proposed area for street right-of-ways or public lands; 100% deduction of total acreage in street right-of-ways and other public lands.
 - b - Land under permanent easement, (non-highway), prohibiting future development, (including easements for drainage, access, and utilities); 50% deduction of the total acreage of land under permanent easement.
- 2 - Agricultural use/land areas will receive full open space credit, subject to required deed restriction and conservation easement to provide protection if agriculture is terminated.

H - Standards for Common Open Space

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

- 1 - Open space land shall provide for the protection of resources on the site, including agricultural lands, productive woodlands, wildlife habitat, natural areas, aquifer protection areas, streams, stream banks, bodies of water, lake shorelines, and historic and archaeological sites.
- 2 - The location, shape, size, and character of the open space land shall be suitable for its intended use. The minimum width of open space shall be 100 feet, except in the buffer area, unless the Board of Zoning Appeals determines a lesser width is suitable for special circumstances.
- 3 - Open space shall be suitably improved and/or maintained for its intended use. Provisions shall be made to enable lands designated for agriculture and wildlife habitat to be used for these purposes.

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

- 4 - Land shown as open space shall be protected for its intended use, (including, but not limited to, open spaces, recreational areas, etc.) through a mechanism approved by the Board of Zoning Appeals. The agreement must be in the form of a deed restriction, conservation easement, homeowner's association, township easement, or a combination thereof, any of which must be deemed appropriate by the Board of Zoning Appeals acting on the advice of the Medina County Prosecutor's Office. All costs for creating and maintaining open space are the responsibility of the developer and subsequent land owners, (typically in the form of a homeowner's association), or holders of any conservation easement.
- 5 - Open space shall be located to conform with and extend existing and potential open space on adjacent parcels, where practical.
- 6 - Additional measures may be imposed to protect resources identified on the parcel, include, but are not limited to, area restrictions on building sites and clearing limits, such as limits on the clearing of wooded areas or areas valuable for wildlife habitats.
- 7 - The Board of Zoning Appeals will require additional parties, i.e. **Land Conservancy Group, Homeowner's Association, or Township Easement**, to be party to open space agreement. All costs associated with administering and maintaining the open space shall be born by the applicant and subsequently by the **Land Conservancy Group, Homeowner's Association, or Township easement** unless otherwise established through a separate agreement acceptable to the Board of Zoning Appeals.
- 8 - For a phased development, open space for **all** phases shall be provided with the initial phase of the development in the proportion required for the entire development, and in a configuration and location appropriate for the platted lots and shall be shown on the site plan.

I - Open Space Developments on Two or More Parcels

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

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

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

J - Parking and Utilities in Open Space Developments

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

(Amended 8-23-2001; Effective 9-22-2001)

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

40 - Commercial Back Lot Development

PURPOSE

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

"1" - The following shall be deemed Class "C" uses and conditionally permitted in all Class "C" Back Lot Developments:

- 1.1 - Quasipublic uses are activities of a religious, educational, charitable, social, philanthropic, and health nature, and non-profit membership organizations that have more limited public purposes than public uses, but which are not organized for profit.
- 1.2 - Administrative business office uses that are primarily engaged in general administration, management, supervision, purchasing, and accounting. They involve no retail sales and stock no goods for distribution or sale.
- 1.3 - Professional office uses deliver professional tangible and intangible services to the general public and are associated with normally recognized professions, most of which are regulated, licensed, or certified by the State of Ohio.
- 1.4 - Retail store uses include uses primarily engaged in selling merchandise for personal and household consumption and rendering services clearly incidental to the sale of such goods.
- 1.5 - Personal service uses generally are concerned with the care and maintenance of tangible property or the provision of intangible services.
- 1.6 - Consumer service uses generally involve the care and maintenance of tangible or the provision of intangible services for personal consumption.
- 1.7 - Trade service uses generally include establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.
- 1.8 - Automotive use include sales and service directly associated with motor vehicles and other types of transportation.

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

- 1.9** - Food, lodging, and beverage service uses include commercial establishments and non-profit institutions engaged in furnishing food, beverages, or lodging for a fee or on a membership basis.
- 1.10** - Recreation uses include activities used by persons during leisure time for entertainment for a fee or on a membership basis.
- 1.11** - Drive-in theaters.
- 1.12** - Mobile Home Parks.
- 1.13** - Signs and/or billboards over thirty-two (32) square feet.
- 1.14** - Government owned and operated buildings and facilities.
- 1.15** - Light manufacturing, fabrication, and assembly facilities.
- 1.16** - Keeping and housing of non-domesticated animals that pose a greater than normal risk to the health and welfare of Township residents. Animals will be determined to be non-domesticated animals that pose a greater than normal risk by the Township Zoning Inspector. Excluded from such definition would be animals such as rabbits, raccoons, bison, squirrels, and chipmunks.
- 1.17** - If a specific use is proposed that is not listed or provided for herein, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this section. If the Board finds that a use is substantially similar to a specifically printed use listed in this section, such use shall be deemed to be a substantially similar use permitted in this district.

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

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

1.18 - Standards for Consideration of Substantially Similar Uses.

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

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

1.19 - Record Maintenance

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

1.20 - All Conditionally Permitted Uses permitted in "R" (Residential) District shall be **Conditionally permitted in "C" (Commercial) District.**

(Amended 10-6-82; Effective 11-5-82)

1.21 - One back lot development behind an existing front commercial lot shall be permitted with a maximum of one (1) commercial building per minimum lot area. No commercial building shall be erected on said rear lot unless it has access to a public street. Said access shall be sixty (60) feet wide from the road right-of-way to the rear lot. Said access may not form a part of any lot width or lot area as required by this zoning resolution.

1.22 - Said access way shall be part of the main parcel such that only one (1) parcel is created, with the requirements provided by law for deeds, and shall be filed with the Recorder of Medina County for record.

CONDITIONAL ZONING CERTIFICATES (Continued)
SECTION 9

1.23 - LOT REQUIREMENTS:

- 1 - Minimum lot area shall be five (5) acres exclusive of the access way.
- 2 - Minimum lot width shall be two-hundred-fifty (250) feet, measured at the building line of the proposed commercial building location.
- 3 - No more than 40% of the lot may be covered by the building.

1.24 - YARD REQUIREMENTS:

A minimum setback of seventy-five (75) feet from all back lot property lines shall be required for all buildings and structures.

1.25 - ACCESS DRIVE:

- 1 - Maximum of one (1) commercial building per access drive.
- 2 - All lots shall have a sixty (60) foot access way, with a minimum width of thirty (30) feet unobstructed, within the sixty (60) foot access way, with a minimum of twenty-four (24) feet of driving surface. i.e.; No trees, fencing, etc.
- 3 - Where an access drive crosses a filled ravine, the graded surface shall have marked, seeded banks having a slope not less than three (3) horizontal feet to one (1) vertical foot.
- 4 - Where a curve occurs in a driveway, the inside edge of the drive surfaces shall have a minimum radius of thirty-five (35) feet.
- 5 - Exact location of an access drive shall be shown on a plot plan presented to the Township Board of Zoning Appeals when applying for a Conditional Zoning Permit. The proper permits for the drive from the Medina County Engineer's office, if on a Township or County road, or the State Engineer's office if on a state Route, shall also be submitted at this time.
- 6 - All access drive surfaces or beginning of slope must be ten (10) feet from all side and rear lot lines.
- 7 - Each application for Conditional Use for back lot development shall have attached thereto, the construction specifications for the access drive, which must be prepared by a registered civil engineer, with certification to bear a minimum of 70,000 pounds, or Medina County Engineer's requirements, whichever is greater, during the wet period of the year.

CONDITIONAL ZONING CERTIFICATES (Continued)

SECTION 9

- 8 - The access drive shall not be located in a water course, drainage ditch or swale. Where the access drive must cross a water course, ditch or swale, bridging, culverts or other means shall be used to prevent flooding and provide for adequate drainage of water flow along the waterway. The building of the access drive shall in no manner inhibit or modify the water flow characteristics of the surrounding areas.
- 9 - The minimum distance between back lot driveway locations shall be five-hundred (500) feet along the adjacent public thoroughfare. If two (2) pre-existing rear lot driveways are adjacent to each other, then the minimum distance between additional back lot driveway locations shall be six-hundred (600) feet.
- 10 - Final inspection by the County Engineer. All fees shall be the responsibility of the developer.

1.26 - APPLICATIONS for back lot development shall include the following warning: "**The undersigned grantee(s) hereby acknowledge(s) that the premises described therein is located upon a non-dedicated easement of access, and further the grantee(s) understand(s) that no government body is responsible for the care and maintenance of said access**".

(Amended 1/23/2001; Effective 2/22/2001)

41 - In-Law Suites - shall meet the following conditions:

- A** - The "In-Law Suite" shall be located within the single-family dwelling.
- B** - The "In-Law Suite" shall have primary means of access to the outside of the dwelling through the main exterior doorway of the dwelling.
- C** - The "In-Law Suite" may have a bathroom, living area and bedroom.
- D** - The owner of the dwelling shall obtain from the Medina County Health Department a statement insuring the addition of the "In-Law Suite" will not overload the present septic system.
- E** - The owner of the single-family dwelling shall provide a signed and notarized affidavit acknowledging that the "In-Law Suite" is prohibited from use as a rental apartment.
- F** - The "In-Law Suite shall **not** have separate utilities.