

RESIDENTIAL DISTRICT
SECTION 6

PURPOSE:

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

6.1 - PERMITTED USES

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

- 1 - Single family dwellings and buildings accessory thereto.
- 2 - **Signs:** Maximum size: four (4) square feet.
 - (a) - One non-illuminating sign for selling the property on which it is located.
 - (b) - Subdivision sign.
 - (c) - Directional signs for users in the community.
- 3 - **Parking:** Must be off street with a minimum of two (2) spaces for each dwelling unit.

6.2 - CONDITIONALLY PERMITTED USES

- 1 - Churches or other buildings for the purpose of religious worship subject to Conditional Zoning Certificate, Section 9. (1), (3), (4), (5), (6), (7), (8), (12), (23).
- 2 - Public, Private, Parochial schools subject to Conditional Zoning Certificate, Section 9. (1), (3), (4), (5), (6), (7), (8), (12), (23).
- 3 - Colleges, Universities subject to Conditional Zoning Certificate, Section 9. (1), (3), (4), (5), (6), (7), (8), (12), (23).
- 4 - Children's Homes, Hospitals, Nursing Homes, Homes for the Aged, Rest Homes subject to Conditional Zoning Certificate, Section 9. (1), (3), (4), (5), (6), (7), (8), (12), (23).

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- 5** - Public Library, Government owned and operated buildings, Quasi public buildings subject to Conditional Zoning Certificate, Section 9. (1), (3), (4), (5), (6), (7), (8), (14), (27).
- 6** - Privately owned, publicly used playgrounds subject to Conditional Zoning Certificate, Section 9. (1), (2), (3), (4), (5), (15), (18)
- 7** - Government owned and operated parks subject to Conditional Zoning Certificate, Section 9. (3)
- 8** - Cemetery subject to Conditional Zoning Certificate, Section 9. (1), (3), (5), (6), (24), (25).
- 9** - Golf Course subject to Conditional Zoning Certificate, Section 9. (2), (3), (4), (5), (10), (12), (18).
- 10** - Radio, Television, TV Communication Transmitters subject to Conditional Zoning Certificate, Section 9. (12) and Section 16.
- 11** - Privately owned, publicly used recreational facilities subject to Conditional Zoning Certificate, Section 9. (1), (2), (3), (4), (5), (10), (18), (36).
- 12** - Multiple Dwellings subject to Conditional Zoning Certificate, Section 9. (1), (12), (26).
- 13** - Rooming, Lodging, Boarding Houses subject to Conditional Zoning Certificate, Section 9. (21).
- 14** - Home Occupations subject to Conditional Zoning Certificate, Section 9. (22), (22A).
- 15** - Roadside Stands for goods produced on the premises. Subject to Conditional Zoning Certificate, Section 9. (5), (27).
- 16** - Strip or Open Mining, Extraction of gravel, Organic resources, subject to Conditional Zoning Certificate, Section 9. 9(), (12), (13), (14), (16), (17), (18).
- 17** - Barns: When subject to Conditional Zoning Certificate, Section 9. (28).

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- 18** - Airports, Airport Hazard Area subject to Conditional Zoning Certificate, Section 9. (29).
- 19** - Signs over 4 square feet subject to Conditional Zoning Certificate, Section 9. (5), (12), (34).
- 20** - Billboards subject to Conditional Zoning Certificate, Section 9. (5, (12), (34).
- 21** - Mobile Home - Single unit not less than 720 square feet subject to Conditional Zoning Certificate, Section 9. (20).
- 22** - Telecommunication Towers, Railroad, Transportation Facilities subject to Conditional Zoning Certificate, Section 9.
- 23** - Open Air Assembly of 500 or more people subject to Conditional Zoning Certificate, Section 9. (2), (9), (32), (33).
- 24** - Government owned and operated buildings subject to Conditional Zoning Certificate, Section 9. (3), (7), (8).
- 25** - Camping and Recreation areas subject to Conditional Zoning Certificate, Section 9. (1), (2), (3), (5), (10), (18), (34).
- 26** - Earth Sheltered Housing subject to Conditional Zoning Certificate, Section 9. (11), (12), (35).
- 27** - Rear Lot Development subject to Conditional Zoning Certificate, Section 9. (36).
(Amended 7-19-89; Effective 8-19-89)
- 27a** - Open Space Development subject to Conditional Zoning certificate, Section 9. (39).
- 28** - Keeping and housing of non-domesticated animals that pose a greater than normal risk to the health and welfare of the Township residents. Animals will be determined to be non-domesticated animals that poise a greater than normal risk by the Township Zoning Inspector. Excluded from such definitions would be animals such as rabbits, raccoons, bison, squirrels and chipmunks. Subject to Conditional Zoning Certificate, Section 9. (37).
- 29** - Parking of oversize commercial vehicles subject to Conditional Zoning Certificate, Section 9. (22), (22A).

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

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

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

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

32 - Record Maintenance. - (Deleted 11/10/2011)

33 - In-Law Suites subject to Conditional Zoning Certificates, Section 9. (1), (12), (41).

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6.3 - AREA AND HEIGHT REGULATIONS

1 - No building/structure lot shall be offered for sale, nor permit issued to build, where said lot does not front on either a State Highway, County or Township Road, or proposed road to be built under the approval of the Medina County Engineer, which roadway shall have been completed and approved or is presently under bond for completion and approval.

2 - Minimum Lot Area: Whichever is larger, four (4) acres, excluding road right-of-way, per family unit, or the minimum requirement imposed by Medina County Health Department regulations for lots with septic tank sewage systems. (Amended 8/17/04; Effective 9/16/04)

(a) - All legally pre-existing lots of record prior to the effective date of this resolution, shall be buildable lots.

3 - In Computing Lot Area: The computation shall be from the side lines of the road right-of-way and not from the center of the road or street.

4 - No building/structure or any portion thereof shall be erected within seventy-five (75) feet of the right-of-way limits of any State or Federal Highway or closer than seventy-five (75) feet from the right-of-way limits of any County or Township road as designated, except where the size of a previously established lot will not permit a setback line as herein before established.

5 - Side Yards: For every building/structure erected in an “**R**” district, there shall be a minimum side lot clearance on each side of said district building/structure of not less than twenty (20) feet, which space shall remain open and unoccupied by any building/structure. Attached garages or accessory buildings connected with the main building/structure by a breezeway or permanently constructed connection, shall be construed to be a part of the main building for the purpose of this section. All accessory buildings shall be at least twenty (20) feet from any dwelling, provided however, that any accessory building may be erected not less than twenty (20) feet from the side lot line, except on corner lots. providing it will be not less than twenty (20) feet from any existing residence.

6 - Corner Lots: The setback building/structure line on a corner lot shall be in accordance with the provisions governing the road or street on which the building/structure faces. If possible, the side yard clearance on the side street shall conform to the setback line for an inside lot on said road or street, but in no event shall said side yard clearance be less than seventy-five (75) feet.

7 - Rear Yards: For every building/structure erected I an “**R**” district, there shall be a minimum rear yard clearance at the rear of said building/structure of at least twenty (20) feet, which space shall remain open and unoccupied by any building/structure.

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8 - SIZE OF DWELLING: Every dwelling unit shall have a minimum first floor or ground floor area exclusive of basements, porches, breezeways, garages or terraces as follows:

One story without basement ----- 1,400 sq. ft. ground floor

One story with basement ----- 1,200 sq. ft. ground floor

Split level (1 1/2 story) without basement ----- 1,200 sq. ft. ground floor

Split level (1 1/2 story) with basement ----- 900 sq. ft. ground floor

Two story without basement ----- 1,000 sq. ft. ground floor

Two story with basement ----- 900 sq. ft. ground floor

In order to qualify for the reduced minimum floor area, the basement shall comprise at least sixty (60) percent of the total horizontal area of the foundation

(Amended 9-11-97; Effective 10-11-97)

9 - HEIGHT: Thirty-five (35) feet maximum.

10 - PERMITTED HEIGHT EXCEPTIONS:

a - No Outdoor Wood-Fired Hydronic Heater shall be erected, enlarged, moved or maintained to exceed the maximum height regulations for an accessory building in the Residential district, except that the chimney may be erected to a fifty (50) foot height. (Effective 9-15-11)

b - Wind Energy Conversion Systems shall not exceed 160 feet in height as measured from the average natural grade at the base to the tip of the blade at its highest vertical position. (Effective 9-15-11)

11 - PROHIBITED USES: Basement Houses.

12 - MINIMUM LOT WIDTH: In "R" districts, the minimum lot width, per family unit shall be no less than two hundred ten (210) feet in width, or if a corner lot, the minimum lot width shall be no less than two hundred ten (210) feet fronting each roadway, exclusive of the roadways.

13 - In case of a **CUL-DE-SAC**, the lot width is computed at the minimum building setback line.

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6.4 - LIGHTING

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

6.5 - DRIVEWAYS

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

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6.6 - WIND ENERGY CONVERSION SYSTEMS - (WECS)

- 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.
 - a - These rules and regulations apply only to those WECS that operate at an aggregate capacity of less than five (5) megawatts.
 - b - Roof mounted wind turbines will also be permitted.
- 2 - The electricity shall be generated for the on-site consumption of the owner of the lot upon which the turbine is constructed. Excess electric energy may be sold back to the property owners electric provider.
- 3 - Wind turbines, (WECS), supported by guy wires are not permitted.
- 4 - No wind turbines shall be located in the front yard in any district.
- 5 - All wind turbines shall be UL listed and comply with owners electric provider requirements.
- 6 - Freestanding wind turbines shall not be installed or erected on a mound or base for the intention of making the system higher than the natural grade and shall not exceed 160 feet from the natural grade to the tip of the blade at its highest vertical position.
- 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, measurement shall be from the base of the tower and shall be free from all overhead transmission lines, public or private streets, above ground structures, property lines, and buildings meant for human occupancy.
- 8 - Emergency contact information shall be posted on the structure, listing the manufacturer, owner, voltage and any emergency contact personnel and 24 hour emergency phone numbers so that emergency personnel can locate the responsible parties. At the time of issuance of a zoning permit, an identifying number shall be issued to the structure and provided to the Fire Department and EMS.
- 9 - The sound pressure level produced by the wind turbine shall not exceed ten (10) decibels above the ambient decibel level, measured at any property line abutting a contiguous property not owned by the system owner. The sound pressure level shall be measured by successively measuring the sound with the turbine turned on, then measured again with the turbine turned off. This level may be exceeded during short-term events, such as times of excessive wind speeds or during power outages. We shall utilize neighboring townships personnel and equipment to check this.

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10 - During the location design phase, the owner shall consider possible shadow flicker on neighboring properties and conduct studies to identify and remove the impact to human occupied structures.

11 - Safety Standards include the following:

- a - Each turbine system shall be equipped with both manual and automatic controls to limit the rotational speed to correspond with the design limits of the rotor.
- 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-climbing device installed on the tower.
- 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 - If a wind turbine is within 3 miles of an airport, application must be made to the FAA for evaluation. This may be done online at: www.oiaa.faa.gov. (Obstruction Evaluation Airport Airspace Analysis). There is no charge for this service. Any WECS must conform to any FAA regulations and all applicable permits must be submitted to the Township prior to the Township issuing a permit.
- e - 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.

13 - Freestanding Wind Turbine Maintenance and Removal:

- a - The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines of the Guilford Township Zoning Resolution. If a wind turbine system ceases to perform as originally intended for more than twelve (12) consecutive months, i.e., zero electricity generation, the property owner is responsible for repair or totally removing all parts of the system no later than ninety (90) days after the end of the twelve (12) month period.

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- b - Upon failure to remove an inoperable wind turbine within the required timeframe, the Guilford Township Zoning Inspector shall issue a Notice of Violation, directing the removal of the wind turbine and all components within ninety (90) days. Upon confirming continuing noncompliance, the Guilford Township Trustees may contract with a contractor to remove all wind turbine components as established in the required entry agreement provided by the property owner at the time of permit application.

 - c - The property owner is responsible for all costs and expenses incurred in connection with securing, removing, and disposing of the system. Upon failure to pay invoices for all such costs and expenses within thirty (30) days of invoicing by the Guilford Township Fiscal Officer or designee, any unpaid costs will be placed as a lien to be collected as part of the real estate taxes.
- 14 - Application Requirements Reviewed and Approved by the Zoning Inspector shall include the following:
- a - A Zoning Certificate shall be required for wind energy conversion systems in residential, industrial and commercial districts.

 - b - Submittals shall include the following:
 - 1 - A development plan,
 - 2 - A line drawing identifying the electrical components of the system,
 - 3 - Detailed specifications for the wind turbine to be installed,
 - 4 - A property entry agreement providing Guilford Township access to the site in the event that decommissioning is required,
 - 5 - 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 parcel property lines, dimensions of the site, acreage, parcel numbers, current zoning district and use.

 - ii - Location and dimensions of existing structures on the site, noting which are human-occupied structures and location of structures on adjoining properties not owned by the applicant within 100 feet of the property lines in all directions.

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- 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 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 following:
 - 1 - Height to the hub and to the top of the blades when extended to highest point,
 - 2 - A cutaway view illustrating the foundation,
 - 3 - Manufacturers specifications,
 - 4 - Decibel level of the unit.

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

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

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6.7 - OUTDOOR WOOD-FIRED HYDRONIC HEATERS - (OWHH)

Preamble

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

- 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 any district.
- 2 - The OWHHs shall only service the principal buildings and/or accessory buildings upon the lot on which 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 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 OWHH existing prior to the effective date of these regulations may be continued.
- 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.

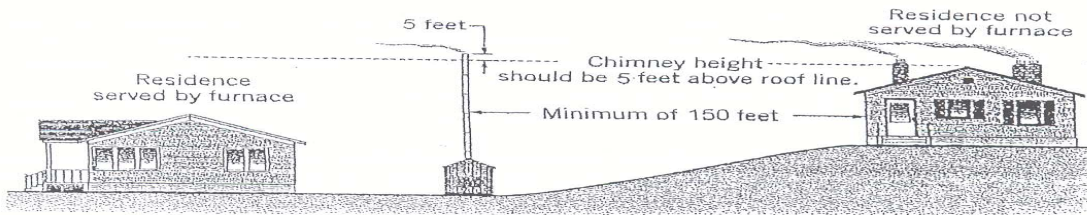
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- 9 - All new OWHHs shall meet safety standards including UL, CAN/CSA, ANSI or other applicable safety standards.
- 10 - OWHHs must comply with Medina County Building Department regulations, i.e. building, electrical and heating, and Ohio EPA Air Pollution Control Division regulations, as well as any applicable State and Federal regulations.
- 11 - 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 nylons, 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 a small amount to start an initial fire in the burn chamber), cardboard, or any paper with ink or dye products.
 - vi - Any other items not specifically allowed by the manufacturer or this Section.

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c - Setback location for any new Outdoor Wood-Fired Hydronic Heater must meet the following requirements:

- 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 twenty (20) feet from any structure per **Section 4.17-5.**
- 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.
- 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.