

"C" COMMERCIAL DISTRICT
SECTION 7

PURPOSE:

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

"C-1" - The following shall be deemed Class "C" uses and permitted in all Class "C" districts:

C-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.

C-1.2 - Administrative and business office uses are primarily engaged in general administration, management, supervision, purchasing, and accounting. They involve no retail sales and stock no goods for distribution or sale.

C-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.

C-1.4 - Retail store uses include uses primarily engaged in selling merchandise for personal and household consumption and rendering services clearly identical to the sale of such goods.

C-1.5 - Personal service uses generally are concerned with the care and maintenance of tangible property or the provision of intangible services.

C-1.6 - Consumer service uses generally involve the care and maintenance of tangible property or the provision of intangible services for personal consumption.

C-1.7 - Trade service uses generally include establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.

"C" COMMERCIAL DISTRICT (Continued)
SECTION 7

- C-1.8** - Automotive Uses include sales and services directly associated with motor vehicles and other types of transportation.
- C-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 fee basis.
- C-1.10** - Recreation uses include activities used by persons during leisure time for entertainment for a fee or on a membership fee basis.
- C-1.11** - Sexually Oriented Businesses: (Reference Section 4 - 4.21)
- C-1.12** - If a specific use is proposed that is not listed or provided for herein, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this section. If the Board finds that a use is substantially similar to a specifically printed use listed in this section, such use shall be deemed to be a substantially similar use permitted in this district.

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

C-1.13 - **The following standards shall be considered by the Board of Zoning Appeals when making a determination that a use is substantially similar to currently permitted uses or conditionally permitted uses within this district:**

- 1 - The compatibility of the proposed use with the permitted use classification as specified in this resolution.
- 2 - The nature, predominant characteristics, and the intensity of the proposed use in relationship to those uses specifically permitted by this resolution in this district.

"C" COMMERCIAL DISTRICT (Continued)
SECTION 7

3 - The size, dimension requirements, parking requirements, traffic generation potential, and other regulatory considerations associated with uses as specified for this district.

4 - The Board of Zoning Appeals shall consider each application for a Use Variance on its own merits.

C-1.14 - Record Maintenance. - (Deleted 11/10/11)

C-1.15 - All Conditional Permitted Uses permitted in "**R**" (Residential) District shall be Conditionally Permitted in "**C**" (Commercial) District
(Amend 10-6-82; Effective 11-5-82)

C-1.16 - SIGNS: Maximum Size: thirty-two (32) sq. feet.
(Over 32 sq. feet, see Conditional Zoning)

- (a) - One non-illuminating sign for selling the property on which it is located.
- (b) - Subdivision or Commercial Development Sign.
- (c) - Directional signs for use in the community.
- (d) - One sign may be fixed to the side of the building.
- (e) - One sign may be erected at ground level, the top of which may not be higher than eight (8) feet.
- (f) - signs shall be a minimum of ten (10) feet from all road right-of-ways and property lines.

(Amend 4-15-03; Effective 5-15-03)

"C-2" - CONDITIONALLY PERMITTED USES

1 - Drive-in theaters, subject to Conditional Zoning Certificate, Section 9. (1), (2), (5), (13).

2 - Mobile home parks, subject to Conditional Zoning Certificate, Section 9. (20).

3 - Signs and/or Billboards over thirty-two (32) square feet, subject to Conditional Zoning Certificate, Section 9. (4), (5), (12), (35). Size harmonious to district and area in which it is located.

4 - Government owned and operated buildings and facilities, subject to Conditional Zoning Certificate, Section 9. (3), (7), (8).

"C" COMMERCIAL DISTRICT (Continued)
SECTION 7

- 5 - Light manufacturing, fabrication, and assembly facilities, subject to Conditional Zoning Certificate, Section 9. (1), (3), (5), (12).
- 6 - Keeping and housing of non-domesticated animals that pose a greater than normal risk to the health and welfare of Township residents. Animals will be determined to be non-domesticated animals that pose a greater than normal risk by the Zoning Inspector. Excluded from such definition would be animals such as rabbits, raccoons, bison, squirrels and chipmunks. Subject to Conditional Zoning certificate, Section 9. (39).
- 7 - Commercial back lot development. Subject to Conditional Zoning Certificate, Section 9. (3), (5), (40).

"C-3" - AREA AND HEIGHT REGULATIONS

- 1 - In "C" districts, the minimum lot width serving any such use shall be no less than two hundred fifty (250) feet of road frontage to the building line, or if a corner lot, shall occupy a space no less than two hundred fifty (250) feet fronting both roadways, exclusive of the roadway. The building may cover no more than 40% of the lot.
- 2 - **MINIMUM LOT AREA**: Four (4) acres with septic tank sewage system.
- 3 - Off street parking. **Ref. Section 4.14-2 through Section 6, 4.15.** (pg. 18 -21)
- 4 - A fifty (50) foot transition area, (buffer zone), shall remain around the area where a commercial use abuts a residential use to ameliorate any adverse conditions resulting from the commercial use.
- 5 - **HEIGHT**: Thirty-five (35) feet maximum.
- 6 - **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 for the district in which the building is located, except that the chimney may be erected to a fifty (50) foot height. (Effective 9-15-11)
 - 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)

"C" COMMERCIAL DISTRICT (Continued)
SECTION 7

7 - **SETBACK**: Minimum setback from all property lines shall be seventy-five (75) feet, except lots legally recorded before January 1, 2001. These may be twenty (20) feet from side and rear lot lines. Set back from the road right-of-way shall be seventy-five (75) feet on all lots. All lots shall be subject to **"C-3" - 4.**

(Amend 1-23-2001; Effective 2-22-2001)

"C-4" - WIND ENERGY CONVERSION SYSTEMS - (WECS)

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 yards in any district.

5 - All wind turbines shall be UL listed and comply with the 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 turbine at the tip of the blade at the highest vertical position plus ten (10) feet, measurement shall be from the base of the tower and shall be free from all overhead transmission lines, public or private streets, above ground structures, property lines, and buildings meant for human occupancy.

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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.

"C" COMMERCIAL DISTRICT (Continued)
SECTION 7

- 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, and measured again with the turbine turned off. This level may be exceeded during short-term events, such as times of excessive wind speeds or during power outages. We shall utilize neighboring townships personnel and equipment to check this.
- 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.oceaaa.faa.gov. (Obstruction Evaluation Airport Airspace Analysis). There is no charge for this service. Any WECS must conform to any FAA regulations and all applicable permits must be submitted to the Township prior to the Township issuing a permit.
 - 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.

"C" COMMERCIAL DISTRICT (Continued)
SECTION 7

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.
- 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" COMMERCIAL DISTRICT (Continued)
SECTION 7

- 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 structures on adjoining properties 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 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 - Manufacturer's 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.

"C" COMMERCIAL DISTRICT (Continued)
SECTION 7

"C-5" - 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.

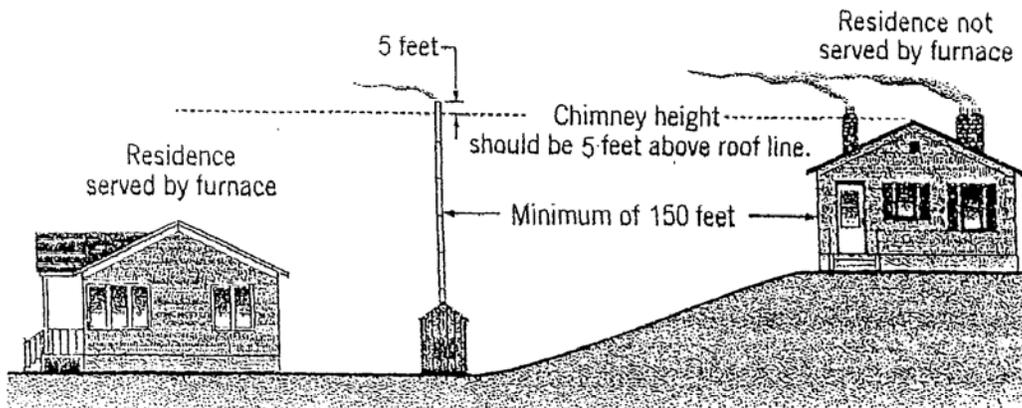
- 1 - Outdoor Wood-Fired Hydronic Heaters (OWHH) are considered an accessory use in all Zoning Districts and require a zoning certificate. An OWHH shall not be counted as an accessory building in any districts.
- 2 - The OWHHs shall only service the principal buildings and/or accessory buildings upon 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 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 any OWHH shall be in conformance with the manufacturer's instructions or the requirements of this Section. In the event of a conflict, the requirements of this Section shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- 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.

"C" COMMERCIAL DISTRICT (Continued)
SECTION 7

- 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.
 - c - Setbacks 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 other structure per **Section 4.17-5.**

"C" COMMERCIAL DISTRICT (Continued)
SECTION 7

- 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.