



Planning Commission
App. No. 018-2015-TA

Zoning Text Amendment Wadsworth Township

Meeting: April 1, 2015
Applicant: Wadsworth Township Zoning Commission (WTZC)
Hearing: TBD (Zoning Commission)
Amendment: Sections 305-19 Swimming Pools, 305-30 Gas and Oil Wells, & 306 Rear Lot Development
Reviewer: Rob Henwood

Proposal: The WTZC has submitted the above listed text changes as they have been tasked (by the Trustees) “with revising the current book of zoning regulations and making it a more user friendly document for both developers and residents of Wadsworth Township.” The proposed amendments are listed below by section number. New text is shown as underlined and text to be deleted is shown as ~~strikeout~~. Staff comments are indicated by *italicized* text.

ARTICLE III

SEC. 305 GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS

29. Swimming Pools.

The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, and it shall be maintained in good condition with a gate and lock. *Making the protective fencing required for all swimming pools is a reasonable and logical change.*

a. Private Family Swimming Pools

~~No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:~~

1. The pool shall not be located closer than fifteen (15) feet to any property line. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
2. ~~The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than fifteen (15) feet to any property line or easement.~~ *Swimming pools and many other types of accessory structures are often prohibited in front yards.*
3. ~~The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, and it shall be maintained in good condition with a gate and lock.~~

b. Private Community, or Club, or Public Swimming Pools

~~A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements: **Combining private community, club, or public pools is a reasonable change.**~~

- ~~1. The pool shall not be located closer than fifty (50) feet to any property line. The pool is intended solely for and is used solely for the enjoyment of the members, families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.~~
- ~~2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than fifty (50) feet to any property line or easement.~~
- ~~3. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.~~
- ~~4. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.~~

e. Public Swimming Pools

- ~~1. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than fifty (50) feet to any property line or easement.~~
- ~~2. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.~~
- ~~3. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.~~

Delete the entire text of § 305-30 and replace with the following text.

30. Gas, Oil Wells and Associated Activities.

1. New Construction. No residential or public building or structure shall be erected within three hundred feet (300') of any gas/oil well, injection well, separator unit or tanks. *The removal of the old text is appropriate given relatively recent changes to the Ohio Revised Code pertaining to gas and oil wells. A 300 foot setback is quite large. Many local communities utilize a 150 foot setback.*

SEC. 306 REAR LOT DEVELOPMENT.

SEC. 306-1 The following regulations are applicable to rear lot development:

1. A maximum of one (1) single-family dwelling per rear lot parcel. Two-family and multifamily dwelling units shall not be permitted on rear lots. No dwelling shall be erected or altered or used unless the same shall have access to a public street of not less than a forty (40) feet ~~sixty (60) foot~~ street frontage and such reserved strip may not form a part of any required lot width, lot yard or lot area required by this resolution
2. Said access way shall be forty (40) ~~sixty (60)~~ feet in width and joined by deed to the main parcel and shall be executed with the requirements provided by law for deeds and shall be filed with the recorder of this county for record.

SEC 306-2 REAR LOT REQUIREMENTS.

1. Minimum lot area shall be five (5) acres exclusive of access drive.
2. Minimum lot width shall be 200 feet.
3. Only square or rectangular shaped rear lots or those that approximate squares or rectangles shall be permitted unless either topography or the layout of the original parcel from which the rear lots are being created does not permit the creation of square or rectangular lots.

SEC. 306-3 YARD REQUIREMENTS.

The minimum yard and setback requirements for rear lot developments are the same as required in the zoning district in which the rear lot parcel is located, except that front yard setback measurements shall be taken from the front property line which is herein defined as the property line of the rear lot parcel closest to the street from which the drive access is provided, exclusive of the drive access portion of the rear lot parcel.

~~SEC. 306-4 LANDSCAPING AND BUFFERING REQUIREMENTS.~~

~~Given the unique nature of this form of development, it is necessary to require landscaping and buffering requirements beyond those associated with traditional residential development patterns. The adverse impact residential development of this nature can have on surrounding properties is recognized and, therefore, necessitates the installation of auditory and visual buffering where it is not naturally present. This may be achieved through the installation of fencing, earthen mounding, non deciduous trees and shrubbery, or any combination thereof that provide a dense, year around screening effect along the common property line of the front and rear lot parcels.~~

~~SEC. 306-5. ACCESS DRIVEWAY REQUIREMENTS.~~

1. Maximum one (1) single-family dwelling per drive access.
2. The minimum distance between rear lot access driveway locations shall be four hundred (400) feet along the adjacent public thoroughfare. *The proposed change appropriately preserves reasonable access controls.* ~~Driveways shall be installed before construction of buildings can begin. This installation shall consist of an all-weather driving surface capable of bearing the load of construction, emergency and passenger vehicles accessing the rear lot without displacement. An all-weather driving surface is a surface such as: compacted stone or gravel, brick, asphalt or concrete.~~

3. Access driveways longer than five hundred (500) feet shall include passing lanes at a minimum of every five hundred (500) feet. Passing lanes shall consist of an additional ten (10) feet of width of all weather pavement material for a length of fifty (50) feet. Driveway widths shall be a minimum of ten (10) feet of all weather driving surface with an additional three (3) feet of level berm on each side unobstructed to a height of sixteen (16) feet.
4. ~~The driveway access shall not be located in a watercourse, drainage ditch, or swale. Where a driveway must cross a watercourse, ditch, or swale; bridging, culverts, or other approved means shall be used to prevent flooding and to provide for adequate drainage or water flow along the waterway.~~
5. ~~Where a curve occurs in a driveway, the inside edge of the drive surface shall have a minimum radius of thirty-five (35) feet.~~
6. ~~Exact location of the access driveway shall be shown on a plot plan presented to the Zoning Inspector and Fire Chief and approved by same.~~
7. ~~All driveway surfaces or beginning of slope must be ten (10) feet from all side and rear lot lines.~~
8. ~~All rear lot access drives shall be constructed with a turn around at the distal end of the drive from the street right of way. The turn around may be constructed as either a radial or "T" shaped turn around. All turn around must meet the minimum turn around requirements for the largest fire emergency vehicle that may have cause to access a rear lot. Therefore, all access driveway turnarounds must be approved by the Fire Chief. Turn around areas shall remain unobstructed at all times.~~
9. ~~The minimum distance between rear lot access driveway locations shall be four hundred (400) feet along the adjacent public thoroughfare. If two (2) rear lot access driveways are adjacent to each other, then the minimum distance between additional rear lot access driveway locations shall be six hundred (600) feet.~~
10. ~~Access driveways longer than five hundred (500) feet shall include passing lanes at a minimum of every five hundred (500) feet. Passing lanes shall consist of an additional ten (10) feet of width of all weather pavement material for a length of fifty (50) feet.~~
11. ~~A street number identification sign shall be placed at the access driveway entrance. Minimum sign size shall be six (6) inches by eighteen (18) inches, with light reflecting numerals used for the house numbers.~~

Recommendation: Staff recommends **APPROVAL** for Sections 305-19 Swimming Pools, 305-30 Gas and Oil Wells, and 306 Rear Lot Development.