

GUILFORD TOWNSHIP ZONING COMMISSION

3800 Greenwich Rd
Seville, Ohio 44373
www.guilfordtownship.us

Date: January 5, 2026

The Zoning Commission recommends the following text amendments to the Guilford Township Zoning Resolution:

(Note: ~~striketrough~~ = deleted text, **Red** = revised/added text)

Section 3: Definitions, General

DWELLING:

A. One-family dwelling:

Means a detached building ~~designed for or~~ **occupied** exclusively by one family.

B. Two-family dwelling:

Means a detached building ~~designed for, or converted or~~ **occupied** by two families, living independently of each other.

C. Multi-family dwelling:

Means a detached building ~~designed for, or converted or~~ **occupied** by three or more families, living independently of each other, with cooking and toilet facilities in each dwelling unit.

D. Dwelling unit:

Means one or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including a room or rooms for living, sleeping, and eating. *(Amended 5/9/1977; Effective 6/8/1977)*

~~E. In-Law Suite:~~

~~A living area within a single-family dwelling for the express purpose of accommodating a family member not already in residence.~~

F. Group Home:

A residential facility that provides room and board, personal care, habitation services, and supervision in a family setting for at least six but not more than eight persons with developmental disabilities.

AIRPORT, PRIVATE:

A facility for the landing and takeoff of aircraft that is not open to the general public and is used primarily by the property owner, invited guests, or authorized users. A private airport may include

runways, helipads, hangars, taxiways, maintenance buildings, or other related facilities. Such airports are typically regulated by the Federal Aviation Administration (FAA) and may require special permits, but they do not offer scheduled commercial service.

Section 10: Non-Conforming Uses

10.8 Voluntary Discontinuation of Nonconforming Use

A nonconforming use that is voluntarily discontinued for a continuous period of one (1) year shall not thereafter be reestablished, resumed, or extended, and any subsequent use of the property shall conform to the regulations of the zoning district in which it is located.

Section 4: General Regulations

B. Prohibited Uses.

Any use which is not specifically listed as a permitted use or as a conditional use for one or more of the zoning districts, or which is not otherwise interpreted and approved as provided by this Resolution, shall be prohibited. A prohibited use shall not be established in any district, except pursuant to a use variance approved by the Board of Zoning Appeals (BZA).

I.1 PERMITTED USES

A. Any manufacturing operation that does not produce odor, dust, smoke, gases, organic waste, noise, flames, or vibration beyond the confines of its buildings, and does not require central water and/or central sewer.

~~B. Sexually Oriented Businesses: (Reference, Section 4 – 4.21)~~

~~C. Meets the Health, Safety, and Licensing Regulations as stated by Federal, State and Local Governments.~~

4.14 SITE PLAN REVIEW

B. REVIEW REQUIRED

Site plans shall be reviewed by the ~~Township Zoning Commission~~ **Township Zoning Inspector** as required by this section for all multi-family, or four (4) or more single-family dwellings in the Residential District and for all uses in Commercial and Industrial Districts. The ~~Zoning Commission~~ **Zoning Inspector** may find that a site plan review is not required where no changes are proposed for an existing site or where only inconsequential changes are proposed.

C. APPLICATION FOR PLAN APPROVAL

An application for approval of a detailed site plan shall be filed with the ~~Zoning Commission~~ **Zoning Inspector**.

~~The application shall include, nine (9) copies of the following maps, designs, and supporting documents:~~
The application shall include the following maps, designs, and supporting documents:

D. REFERRAL FOR REVIEW AND REPORTS

Upon receipt of an application for a site plan review, the ~~Zoning Commission~~ **Zoning Inspector** may seek expert advice and recommendations from the County Engineer, the County Planning Commission, and/or other County agencies or private consultants. The ~~Zoning Commission~~ **Zoning Inspector** shall refer copies to the Township Trustees and the ~~Zoning Inspector~~ **Zoning Commission** for their recommendations as needed.

E. FINAL PLAN

Upon approval of the application with specific changes or conditions, the developer shall prepare and submit to the ~~Zoning Commission~~ **Zoning Inspector** a modified plan. The modified plan shall include all modifications required by the ~~Zoning Commission's~~ **Zoning Inspector's** grant of approval.

The ~~Zoning Commission~~ **Zoning Inspector** shall act on the modified plan ~~at its regular scheduled meeting~~ **within thirty (30) days** after submission.

4.6 ACCESSORY USES AND STRUCTURES, GENERAL

A. Accessory buildings, in residential districts, less than 144 square feet do not need a Zoning Certificate.

B. Accessory buildings less than 144 square feet, in residential districts, will have the fee for the Zoning Certificate waived, but a site plan must be provided showing that the accessory building will be behind the main structure.

~~C. Accessory buildings less than 144 square feet must be placed a minimum of twenty (20) feet from any rear or side lot line and behind the main structure.~~

D. Accessory buildings more than 144 square feet must be placed a minimum of twenty (20) feet from any side or rear lot line and behind the main structure.

~~E. Any structure must be a minimum of twenty (20) feet from any other structure.~~

Update to Section 5: Agriculture to align with organization of other sections.

Section 5: Agriculture

~~5.1 Land in any District may be used for AGRICULTURAL purposes.~~

~~5.2 No Zoning Certificate shall be required for the construction of buildings incidental to the use for agricultural purposes of the land on which the building shall be located.~~

~~5.3 Before building, an "Agricultural Exempt Form", available from the Zoning Inspector, must be signed and returned to the Zoning Inspector.~~

~~5.4 The minimum setback for farm market buildings, from the road right-of-way, shall be fifty (50) feet.~~

~~5.5 The farm market building shall be a maximum of twenty by twenty four (20x24) feet.~~

~~5.6 Off road parking for farm markets shall be provided, with sufficient spaces to accommodate six (6) vehicles.~~

~~5.7 The driveway for farm markets must be hard surfaced.~~

~~5.8 Signs for farm markets as per the district it is located in and non-illuminating in residential areas.~~

~~5.9 Line fences for agricultural uses, may be erected on the property line.~~

5.10 Agritourism Parking

~~A. All parking will be out of the road right-of-way. Parking must also provide a clear line of sight for vehicles exiting into traffic.~~

~~B. Bus parking must also be accommodated.~~

~~C. Ingress and egress approaches are at the owner's discretion, but a minimum of one entrance/exit must connect to a road.~~

~~D. A single 2x2 foot sign, designating a p~~

Section 5: Agriculture

PURPOSE

It is the intent of this section to acknowledge and comply with the provisions of **Ohio Revised Code**, which exempts agricultural uses from township zoning regulations under certain conditions. This section ensures consistent application while recognizing the right to agricultural use across all zoning districts.

5.1 PERMITTED USES

A. In accordance with **ORC**, land in any zoning district may be used for **agricultural purposes**, including but not limited to farming, animal husbandry, viticulture, floriculture, and horticulture.

B. No **Zoning Certificate** shall be required for the construction or location of buildings that are **incidental to the agricultural use** of the land on which they are located, per ORC.

C. Property owners claiming an agricultural exemption must complete and submit the **Agricultural Use Exemption Form**, available from the Zoning Inspector, prior to construction. This form shall be retained for the Township's records.

5.2 CONDITIONALLY PERMITTED USES

Reserved for future use or to accommodate agricultural or agritourism-related activities that may require additional review and conditions.

5.3 AREA AND HEIGHT REGULATIONS

A. Farm markets that meet the exemption criteria under **ORC** shall comply with the following:

1. The minimum front setback from the road right-of-way shall be **fifty (50) feet**.
2. The structure used for the farm market shall not exceed **twenty (20) by twenty-four (24) feet** in footprint.
3. Adequate off-street parking shall be provided for a minimum of **six (6) vehicles**.
4. All driveways and parking areas serving farm markets shall be **hard-surfaced** with asphalt, concrete, or gravel.

5.4 BACK LOT DEVELOPMENT

A. Back lot development under agricultural use is not currently regulated separately; however, the ability to split land for agricultural purposes does not guarantee that such land is buildable for non-agricultural structures or residential use.

B. Any lot lacking sufficient frontage or access may be considered unbuildable under township zoning regulations. Additional review may be required to determine whether proposed back lots meet access, safety, and infrastructure requirements before a zoning certificate may be issued for any construction not covered under agricultural exemption.

5.5 LIGHTING

- A. 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.
- B. 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.

5.6 SIGNS

A. Regulations for Agricultural Signs:

1. The size of the sign shall not exceed four (4) square feet, including any border.
2. No part of the sign shall be higher than six (6) feet from the natural grade.
3. Only one (1) permanent sign is permitted per residential parcel.
4. One temporary sign for the sale of the property on which it is located is permitted.
5. Subdivision signs are permitted.
6. Directional signs for community users are permitted.
7. Illuminated signs are not permitted.
8. Electronic message signs are not permitted.

5.7 FENCES

A. **Line fences** for agricultural uses may be erected on the property line and are exempt from setback requirements.

5.8 SUPPLEMENTAL REGULATIONS

A. Agritourism Parking Standards

1. All parking must be located outside the road right-of-way.
2. Parking areas shall provide a clear line of sight for vehicles exiting into traffic.
3. Bus parking must be accommodated.
4. At least one access point must connect to a public or private roadway.
5. One 2-foot by 2-foot sign designating the parking area is permitted, provided it complies with Township sign requirements for the zoning district.

6.3 AREA AND HEIGHT REGULATIONS

E. SETBACKS

5. EXCEPTIONS FOR PRE-EXISTING SMALLER LOTS

a) *(unchanged)*

b) Recognizing that uniform setbacks can create undue hardship for smaller, pre-existing lots, a graduated scale of setback distances for accessory buildings is provided below:

Lot Size Category	Side Setback	Rear Setback
Less than four (4) acres	ten (10) feet	ten (10) feet
Four (4) acres or greater (standard)	twenty (20) feet	twenty (20) feet

****NOTE****

Conditionally Permitted Uses – Reorganization and Clarification

The Conditionally Permitted Uses section was comprehensively reorganized to improve clarity, usability, and long-term maintainability.

- The prior format relied on numerical cross-references to regulations located elsewhere in the resolution, which proved difficult to follow and maintain.
- The revised structure establishes **General Regulations** applicable to all conditional uses, along with **Supplemental Regulations** specific to individual uses where needed.
- The list of conditionally permitted uses was reviewed and refined to:
 - Remove uses that are no longer intended to be conditionally permitted;
 - Clarify use descriptions; and
 - Eliminate internal inconsistencies and outdated references.
- No conditional uses were added without Zoning Commission review and approval.
- The reorganization does not expand conditional use rights; it improves clarity and enforceability.

- Current regulations can be viewed here:

https://www.guilfordtownship.us/uploads/1/1/7/6/117630327/zoning_manual.pdf

6.2 CONDITIONALLY PERMITTED USES

1. Airports, Airport [SC1] Hazard Area (Private)
2. Camping and Recreation areas
3. Cemetery
4. Children's Homes, Hospitals, Nursing Homes, Homes for the Aged, Rest Homes
5. Churches or other buildings for the purpose of religious worship
6. Colleges, Universities
7. Earth Sheltered Housing
8. Golf Course
9. Government owned and operated buildings
10. Government owned and operated parks
11. Home Occupations
12. Mobile Home - Single unit not less than 720 square feet
13. Non-Domestic Animals
14. Open Space Development
15. Parking of oversize commercial vehicles subject to approved Home Occupation
16. Public Library, Government owned and operated buildings, Quasi public buildings
17. Public, Private, Parochial schools
18. Radio, Television, TV Communication Transmitters
19. Strip or Open Mining, Extraction of gravel, Organic resources.
20. Telecommunication Towers, Railroad, Transportation Facilities
21. **Similar Uses:** 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.
22. **Previously Listed Conditionally Permitted Uses (No Longer Permitted):** The following uses were formerly listed as conditionally permitted within this zoning district but have been removed upon review. These uses are no longer considered acceptable due to their incompatibility with the goals, character, or intent of the district. This list is provided for reference only and does not imply that these uses may be reestablished or approved under prior regulations.
 - a) Open Air Assembly of 500 or more people

- b) Barns
- c) Roadside Stands
- d) Rooming, Lodging, Boarding Houses
- e) Privately owned, publicly used recreational facilities
- f) Privately owned, publicly used playgrounds

Commercial:

7.2) CONDITIONALLY PERMITTED USES

- A) All Conditional Permitted Uses permitted in "R" (Residential) District **shall** be Conditionally Permitted in "C" (Commercial) District.
- B) Commercial back lot development.
- C) Drive-in theaters
- D) Government owned and operated buildings and facilities
- E) Light manufacturing, fabrication, and assembly facilities
- F) Mobile home parks

Industrial:

I.2 CONDITIONALLY PERMITTED USES

- A. Any Conditionally permitted uses in "C" District **shall** be a Conditionally Permitted uses in "I" District.
- B. Any Industry or Manufacturing operation that produces odor, dust, smoke, gas, organic waste, noise, flames, or vibrations that extend beyond the confines of the building, requires the collection of recyclable materials, or the extension of central sewer and/or central water may be conditionally permitted.
- C. Junk Yards.
- D. Research and development use involving research related to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations.
- E. Wholesaling and storage uses are associated with transporting, storing, handling, or selling merchandise primarily to retailers, industrial, institutional, or professional uses, or to other wholesalers, or acting as agents in buying merchandise for such persons or organizations.
- F. Manufacturing uses include all uses involving processing, fabrication, packaging, assembly, and related functions whether using machinery or labor and associated with the industrial operations of producing goods, components, and other related items.

Section 9: Conditional Zoning Permits:

Section 1: Conditional Zoning Permits

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 or 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 use 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.

9.I 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:

A. 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.

B. Data Required with Application

1. Form supplied by the Zoning Inspector, completed by applicant.
2. 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.
3. Complete plans and specifications for all proposed development and construction.
4. A statement supported by substantiating evidence regarding the requirements to be met by the conditional use proposed.

C. 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.

D. 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.

E. **Issuance of Conditional Zoning Certificate**

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.

F. **Mandatory Review of Conditional Use Operations**

1. The Zoning Inspector shall review the operation of the conditional use not more than three years from the date of issuance to determine if the use has been and is being operated in compliance with the conditions of the conditional zoning certificate.

G. **Terms and Duration of Conditional Zoning Certificate**

1. The breach of any condition, safeguard, or requirement, **shall** constitute a violation of this Resolution. Such violation **shall** be punishable as permitted by the Ohio Revised Code.

H. **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.

I. **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.

9.II 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.
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.

9.III CONDITIONALLY PERMITTED USES

- 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 detailed, the word "should" denotes therein that the regulation should, under normal use 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.

9.IV OVERALL DEVELOPMENT STANDARDS

- A. **Intent:** To ensure compatibility, safety, and minimal disruption to the community, all conditionally permitted uses must adhere to the following standards.
- B. **Setbacks and Spatial Requirements**
 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.
 2. Preference shall be given to site locations that incorporate natural or man-made barriers (such as vegetation, topography, or fencing) which help mitigate potential impacts on nearby residential areas. While not required, the presence of such barriers may be considered a favorable factor during the review process.
- C. **Traffic and Access**
 1. All entrance and exit points shall be located a minimum of 200 feet from the intersection of two major thoroughfares.
 2. All entrance and exit points shall be located a minimum of 100 feet from the intersection of a major thoroughfare with a local or collector street, or from the intersection of two local or collector streets.
 3. Parking requirements applicable to conditionally permitted uses shall comply with the standards set forth in the General Regulations section of this Resolution.
 4. Site design shall ensure safe and efficient traffic circulation and accommodate emergency vehicle access. All drives, fire lanes, and access points must be designed to support the weight of emergency vehicles and provide clear, unobstructed paths in accordance with applicable fire code and emergency response standards.
- D. **Location**
Conditionally permitted uses must be located in areas that are appropriate for the type of use and the associated traffic. Specifically:
 1. **Road Compatibility:**
Should be situated along roads classified as collector or minor thoroughfares, as defined by the County Highway Engineer, where traffic capacity and design are adequate to support the expected volume and type of traffic.

2. High-Traffic Uses:

Larger-scale uses or those generating significant traffic should be located on major thoroughfares or at intersections of major and/or collector thoroughfares to ensure safe and efficient traffic flow.

3. Adjacent Uses:

Uses should be located near compatible non-residential uses—such as churches, parks, industrial areas, or commercial districts—to reduce potential conflicts with residential neighborhoods.

4. Noises, odors, fumes, or vibrations shall not be generated at a level that causes disturbance or interference beyond the boundaries of the property.

E. Nuisance Prevention

1. Lighting **shall** not constitute a nuisance, **shall** in no way impair safe movement of traffic on any street or highway, and **shall** not shine directly on adjacent properties.

2. Activities, including the use of loudspeakers or machinery, that cause hazards or annoyance to adjacent properties are prohibited unless measures are taken to prevent their impact beyond the property line.

3. Pedestrian activity associated with the use shall be managed to avoid disruption to nearby residential areas. Site design shall discourage pedestrian overflow into adjacent residential properties and may include fencing, signage, or designated access routes to minimize potential impacts.

F. Visual and Maintenance Standards

1. **Property Maintenance:** All conditionally permitted uses shall be maintained in a clean, safe, and structurally sound condition. This includes routine upkeep of buildings, signage, landscaping, fencing, and other site improvements to prevent deterioration, safety hazards, or negative impacts on surrounding properties. The property shall be kept free of debris, overgrown vegetation, and materials not in active use.

2. Signage:

a. There **shall** be no more than one advertisement oriented to each abutting road identifying the activity.

b. Signs must comply with the size restrictions of the zoning area in which they are located.

3. **Landscaping:** Landscaping should be designed and maintained to provide an appropriate visual buffer between the permitted use and adjacent residential properties. Plantings should contribute to the overall appearance of the site, minimize visual impacts, and, where applicable, support screening of parking areas, service areas, and outdoor activity zones.

G. Infrastructure and Site Standards

1. Any temporary building/structure **shall** be indicated as such on-site plan submitted to the Board of Zoning Appeals for approval.

2. Such uses **shall** not require uneconomic extensions of utility services and widening or resurfacing roads at the expense of the community.

9.V SUPPLEMENTAL REGULATIONS FOR CERTAIN USES

A. Airports, Airport Hazard Area (Private)

1. No private airport **shall** be closer than two (2) miles from another airport.

2. 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.

3. Private airports must be approved by FAA Engineering branch.

4. 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.

5. Amendments to the approved site plan do not require a reapplication for a Conditional Zoning Certificate for objects not within the approach slope.

B. Camping and Recreation Areas

1. Only recreational uses specifically listed in the approved zoning certificate shall be permitted.

2. No more than one sign identifying the activity is permitted per abutting roadway.

3. All buildings, structures, roads, and utilities shall comply with the Guilford Township Zoning Resolution, the Medina County Subdivision Regulations, and the standards of the Medina County Board of Health.

4. All buildings, structures, facilities, and active recreational areas shall be set back at least 100 feet from the roadway and from all property lines.

5. Lighting and sound-generating equipment shall comply with the Nuisance Prevention standards outlined in Section 9.IV (4).

6. Vehicular access and circulation shall comply with the Traffic and Access standards outlined in Section 9.IV (2).

7. Parking shall comply with the off-street parking requirements in the General Regulations section of this Resolution.

8. All sanitary facilities shall be in accordance with the regulations of the Medina County Board of Health, the State of Ohio Board of Health, and are subject to approval by the Medina County Sanitary Engineer.

9. Camping areas and golf courses shall be no less than 50 acres in area.

10. Seasonal Dwellings

a. Any cottage for casual rent must comply with the Medina County Building Code and include permanent sewage facilities.

b. Single cottages shall have a minimum footprint of 12 feet by 16 feet (192 square feet).

c. Double cottages shall have a minimum footprint of 12 feet by 32 feet (384 square feet).

d. Cottages permitted under this Resolution may not be used as permanent residences.

e. A minimum clearance of fifty (50) feet is required between each cottage.

f. No permit shall be issued without satisfactory, legally acceptable documentation demonstrating that the seasonal dwelling or camping facilities will not be used as a year-round or principal residence. It is the applicant's responsibility to provide such documentation.

C. Cemetery

1. All grave markers **shall** be ground level.

2. All cemetery drives **shall** be hard surfaced.

D. Children's Homes, Hospitals, Nursing Homes, Homes for the Aged, Rest Homes

1. Primary and accessory buildings/structures including parking areas **shall** constitute not over 40% of the lot area.

E. Churches or other buildings for the purpose of religious worship

1. Primary and accessory buildings/structures including parking areas **shall** constitute not over 40% of the lot area.

F. Colleges, Universities

1. Primary and accessory buildings/structures including parking areas **shall** constitute not over 40% of the lot area.

G. Commercial Backlot Development

1. **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.

2. The following **shall** be deemed Class "C" uses and conditionally permitted in all Class "C" Back Lot Developments:

1. Quasi-public 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.
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.
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.
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.
5. Personal service uses generally are concerned with the care and maintenance of tangible property or the provision of intangible services.
6. Consumer service uses generally involve the care and maintenance of tangible or the provision of intangible services for personal consumption.
7. Trade service uses generally include establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.
8. Automotive use includes sales and service directly associated with motor vehicles and other types of transportation.
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.
10. Recreation uses include activities used by persons during leisure time for entertainment for a fee or on a membership basis.
11. Drive-in theaters.
12. Mobile Home Parks.
13. Signs and/or billboards over thirty-two (32) square feet.
14. Government owned and operated buildings and facilities.
15. Light manufacturing, fabrication, and assembly facilities.
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.
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.
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:
 - i) The compatibility of the proposed use with the permitted use classification as specified in this resolution.
 - ii) The nature, predominant characteristics, and intensity of the proposed use in relationship to those uses specifically permitted by this resolution in this district.
 - iii) The size, dimension requirements, parking requirements, traffic generation potential, and other regulatory considerations associated with uses as specified for this district.
 - iv) 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.
19. 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)

3. 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.
4. 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.
5. **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.
6. **YARD REQUIREMENTS:**
 1. A minimum setback of seventy-five (75) feet from all back-lot property lines **shall** be required for all buildings and structures.
7. **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.
 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. 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.
 9. Final inspection by the County Engineer. All fees **shall** be the responsibility of the developer.
8. **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)

H. Drive-in theaters

1. In car reception only, i.e. no loudspeakers.
2. Setback:

1. Main structure and ticket office - 300 feet.
2. Marquee and accessory buildings/structures - 100 feet.

3. **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.

I. Earth Sheltered Housing

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

J. Home Occupation Type A:

1. Means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the residence. (i.e. computer services, home office, secretarial services, etc.)
2. Such uses **shall** be secondary and incidental to the use of the dwelling for dwelling purposes.
3. Such uses **shall** be conducted by resident owners residing on the premises, with no more than one full or part time employee.
4. Such occupation **shall** be carried on entirely within the dwelling and not in an accessory building.
5. The conducting of the home occupation **shall** not occupy more than twenty (20) percent of the living floor area of any one dwelling unit.
6. The proposed use **shall** not constitute primary or incidental storage for a business, industry, or activity conducted elsewhere.
7. No activity, materials, goods, or equipment indicative of the proposed use **shall** be visible from any public way or adjacent property.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. No material **shall** be displayed outside of the home.

K. Home Occupation Type B:

1. 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 bookkeeping, receiving mail, and making and receiving phone calls.

2. Such use **shall** be conducted by resident property owners residing on the property with no more than one non-resident employee.
3. 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.
4. 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.
5. 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**.
6. 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.
7. 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.
8. 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.
9. Hours of outside movement associated with the home occupation **shall** be determined by the Board of Zoning Appeals.
10. 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.
11. 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.
12. Any continued violation of the above criteria **shall** be grounds for revocation of the conditional Zoning Permit after due process.
13. 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.

L. Junk Yards

1. **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. Fence **shall** be placed no closer than fifty (50) feet to the top or bottom of any slope.

M. Non-Domestic Animals

1. The following specific guidelines **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.
2. Cage, Pen, housing, or structure **shall** be built in such a way that:
 1. The animal cannot escape.
 2. Unauthorized persons cannot enter.
 3. Enclosed on all sides, including the top.

4. Gate with padlock and key, or other locking device requiring a key to open.
5. 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.
3. Facility to be inspected by the Township Zoning Inspector.
4. Other animals **shall** not be housed in the same structure, previously approved by the Board of Zoning Appeals.
5. 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.
6. 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.)
7. Applicant to bear the cost of reviews by outside consultants.

N. Mobile Home Parks

1. 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:
 2. 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.
 3. 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.
 4. The park **shall** be graded to be well drained.
 5. 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.
 6. 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.
 7. 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 streetlights, (mercury vapor type), each spaced at intervals of not less than one hundred (100) feet.
 8. Each park may provide service buildings to house laundry, storage facilities and offices. Construction **shall** meet the standards of the County Building Code. Walkways at least two (2) feet wide **shall** be from the mobile home spaces to the service buildings.
 9. Each mobile home space **shall** be provided a trapped sewer at least four inches in diameter which connects with a centralized disposal system.
 10. Adequate garbage and rubbish cans **shall** be provided and not further than 300 feet from any trailer space.
 11. Each park **shall** be equipped at all times with adequate fire extinguishing equipment as determined by the Township Fire Officer.
 12. 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.

13. Mobile homes must be a minimum 400 square feet living space.
14. Off street parking must be provided at the rate of a minimum of two car spaces per mobile home.
15. Minimum one acre of recreation ground, not including buffer zone 10% of total acres.

O. Multiple Dwellings

1. Minimum lot size: four (4) acres. per dwelling unit.
2. Each dwelling **shall** have an enclosed garage.
3. Each drive **shall** be hard surfaced.

P. Open Space Zoning

1. **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.
2. **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.
 7. 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.
 8. 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.
3. **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.

4. **Permitted Uses:**

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

5. **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:
 - i) Topography, including contours of no greater vertical intervals than two (2) feet;
 - ii) 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.
 - iii) 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
 - iv) 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.

6. **Standards:** 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 rights-of-way; Approximately 15 acres (15%)	= 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.

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.

7. **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:

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:

i) Existing and proposed area for street rights-of-way or public lands; 100% deduction of total acreage in street rights-of-way and other public lands.

ii) 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.

8. **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.

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 landowners, (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 borne by the applicant and subsequently by the **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.

9. **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:

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.

10. 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)

Q. Public Library, Government owned and operated buildings, Quasi public buildings

1. Primary and accessory buildings/structures including parking areas **shall** constitute not over 40% of the lot area.

R. Public, Private, Parochial schools

1. Primary and accessory buildings/structures including parking areas **shall** constitute not over 40% of the lot area.

S. Radio, Television, TV Communication Transmitters

1. **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.
2. **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.

T. Sexually Oriented Business

Guilford Township has determined that permitting sexually oriented businesses, as defined in this Section in proximity to residential, institutional, and non-sexual retail uses would have detrimental effect on such adjacent uses. Therefore, in order to prevent potential adverse impacts on residential and institutional uses, particularly those where children are present, and thereby protecting the health, safety and welfare, sexually oriented businesses, as defined in this Section **shall** be permitted only in the Commercial/Industrial Districts subject to the following requirements:

1. For purposes of this Zoning Resolution, sexually oriented businesses **shall** include, but not limited to the following:[SC1]
 - i) **Adult book/video store:** An establishment which utilizes a substantial amount of its retail selling area for the purposes of retail sales or rent or for the purpose of display or viewing, for any compensation of books, magazines, or other printed material, films, tapes and videocassettes, or any other visual representation, which are distinguished by their emphasis on adult material as defined in this Section.
 - ii) **Adult motion picture theater:** Any enclosed motion picture theater which regularly uses a substantial amount of its total viewing time, for presenting material distinguished or characterizes by and emphasis on matter depicting, describing, or related to adult material as defined in this Section.
 - iii) **Adult only entertainment businesses:** An establishment where the patron directly or indirectly is charged a fee, and where establishments feature:
 - iv) Entertainment or services which constitute adult material as defined in this Section; or

- v) Exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless or strippers, male or female impersonators or similar entertainment or services that constitute adult material as defined in this Section.
2. To further determine whether the above facilities are sexually oriented businesses, the following **shall** apply:
- i) **Adult Material:** Any book, magazine, newspaper, pamphlet, poster, print, picture, slide transparency, figure, image, description, videocassette, motion picture film, record or tangible thing, or any service, capable of creating sexual interest through sight, sound, or touch and;
 - ii) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or;
 - iii) Which service is distinguished or characterized by emphasis on all activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
 - iv) **Bottomless:** Less than full opaque covering of male and female genitals, pubic area, or buttocks.
 - v) **Nude or nudity:** The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof, of female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
 - vi) **Topless:** The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
 - vii) **Sexual Activity:** Sexual conduct or sexual contact, or both.
 - viii) **Sexual Contact:** Any touching of any erogenous zone of another, including without limitation the thigh, genital, pubic region, or if the person is female, a breast for the purpose of sexually arousing or gratifying either person.
 - ix) **Sexual Excitement:** The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
3. Sexually Oriented Businesses **shall** comply with all regulations as stated in the Commercial/Industrial Districts sections of the Zoning Resolution.
4. Structures will be designed to prevent internal activities or displays from being visible from the outside.
5. Sexually Oriented Businesses **shall** be located in accordance with the following distance requirements:
- i) A minimum of 600 feet from Interstates 71 and 76. This measurement **shall** be from the right-of-way line to the property line.
 - ii) A minimum of 300 feet from any Residential District property line.
 - iii) A minimum of 1,000 feet from the boundaries of any lot containing a church, library, park or public playground, day care center, school, or any institution where children are kept day or night; and
 - iv) A minimum of 1,000 feet from any other sexually oriented business.

U. Strip or Open Mining, Extraction of gravel, Organic resources.

- 1. No rehabilitated slope **shall** exceed an angle with the horizontal of forty-five (45) degrees.
- 2. 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.
- 3. **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.

9.2 SIMILAR USES

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.

A. **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.