

**3038 BOSTON MILLS ROAD  
BRECKSVILLE, OHIO 44141**

# **RICHFIELD TOWNSHIP ZONING RESOLUTION (RTZR)**

Effective Date: January 2, 2023

**ZONING RESOLUTION**  
**RICHFIELD TOWNSHIP, SUMMIT COUNTY, OHIO**  
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## **ARTICLE I**

### **PURPOSE, TITLE, INTERPRETATION AND CONFLICT**

#### **Section 101 Purpose**

This Board of Trustees finds that in the interest of the promotion of the public health and safety it is necessary to enact a Resolution for zoning within the limits of the unincorporated territory of Richfield Township, Summit County, Ohio, in order to regulate and promote the orderly development of the said community and to restrict the location of buildings and other structures and of premises to be used for trade, industry, residence or other specified uses, and to regulate and limit the height of buildings and other structures hereafter erected or altered, to regulate the bulk and location of buildings and other structures hereafter erected or altered, to provide for the amount of lot area which may be occupied, building setback lines and the area of yards, courts or other open spaces, and for the combination of all the purposes hereinbefore described to divide the unincorporated territory of Richfield Township into zoning districts are deemed and hereby determined to be best suited to carry out the aforesaid purposes, all in accordance with the Comprehensive Land Use Plan for Richfield Township.

## **ARTICLE II**

### **DEFINITIONS**

For the purpose of this Resolution, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not discretionary; the word "building" shall include the word "structure"; the word "used" shall include the words "arranged", "designed", "constructed", "altered", "converted", or "intended to be used"; and a "person" shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

**ACCESSORY BUILDING OR USE:** A use of land or of a structure or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building which is located on the same lot with such principal use or structure.

**ADEQUATE PUBLIC FACILITIES ("APF"):** The facilities and services provided to the public that are necessary to maintain the adopted level of service by the appropriate local or county agency. APF may include private companies such as water or sewer providers, providing the level of service is approved by the appropriate governing agency.

**ADULT ARCADE:** Any place to which the public is permitted or invited where either or both (I) motion picture machines, projectors, video or laser disc players or (II) other video, computer, laser disc, or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of "specified sexual activities" or "specified anatomical area".

**ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE:** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, computer software, and computer accessed information, video reproductions, slide or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business

purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**ADULT CABARET:** A nightclub, bar, restaurant, or similar establishment which regularly features:

Persons who appear in a "state of nudity" or "state of semi-nudity"; or

Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators or similar entertainment; or

Films, motion pictures, video cassettes, computer access/software, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**ADULT MOTION PICTURE THEATER:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, computer software, and computer accessed information, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**ADULT THEATER:** A theater, concert hall, auditorium or similar establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**AGRICULTURE:** The use of the land for agricultural purposes includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**AIRPORT:** Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open space.

**ALLEY:** See THOROUGHFARE

**ANIMAL BARN, PRIVATE:** A structure used to house animals other than for agricultural purposes.

**ANIMAL DENSITY:** Where regulated in a platted subdivision, each lot shall be allowed a maximum of five tenths (0.5) or one-half (1/2) animal units per gross acre.

**ANIMAL UNIT:** For purposes of this text, where regulated within a platted subdivision per O.R.C. Section 711.05., 519.21 and 303.21, one (1) animal unit equals: one (1) steer/cow; two (2) pigs, five (5) fowl, one (1) horse; three (3) sheep; two (2) llamas/ostriches; three (3) alpacas.

**AUTOMOBILE SERVICE STATION:** A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

**AUTOMOBILE WRECKING YARD:** The use of more than twenty-five (25) square feet of any land, building or structure used for the purpose of wrecking, dismantling or storing, for private and/or commercial purposes, any discarded motor vehicle.

**AUTOMOTIVE DEALER:** The use of any building, land area, or other premise for the display and sale of new or used automobiles generally, but may include light trucks or vans, trailers, or recreational vehicles, and including any vehicle preparation or repair work conducted as an accessory use.

**AUTOMOTIVE, TRAVEL TRAILER, AND FARM AND GARDEN EQUIPMENT SALES:** The sale or rental of new or used self-propelled vehicles, travel trailers, or farm and garden equipment including repair work and display of items sold on the premises.

**BANK OR FINANCIAL INSTITUTION:** Establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.

**BASEMENT:** A story having more than one-half (1/2) of its height below average grade. A basement shall not be counted as a story for the purpose of height regulations.

**BILLBOARD:** An outdoor advertising sign used to advertise a business, commodity, service, entertainment or any other commodity or activity sold or conducted elsewhere than on the premises on which the sign is located.

**BOARD:** The Board of Zoning Appeals as created by this Resolution.

**BOARDING HOUSE:** A building other than a hotel or motel where, for compensation by the week or month, meals, or lodging and meals are provided for five (5) but not more than twenty (20) persons.

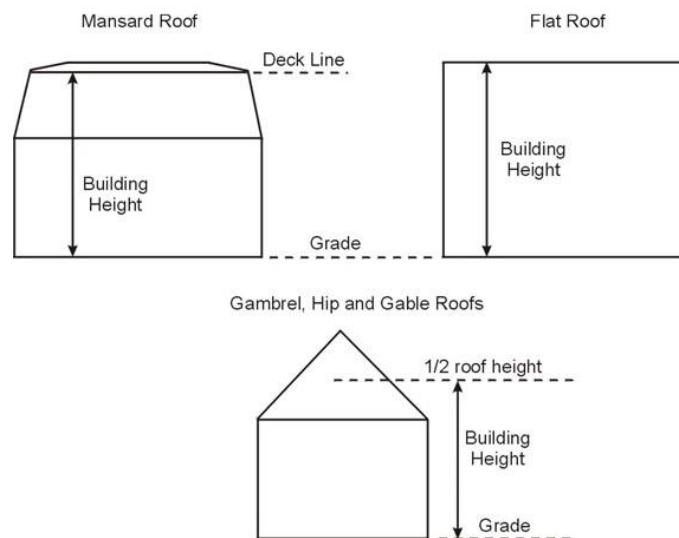
**BREEZEWAY:** An open or enclosed permanently attached structure for the purpose of connecting a principal structure to an accessory structure or use, such as garage, providing direct passage between them. Such attachment shall not render the accessory structure an addition unless the accessory structure meets all provisions of this resolution for use, setbacks and height as a stand-alone accessory structure prior to attachment.

**BUFFERWALL:** A wall consisting of reinforced solid masonry or concrete construction running the entire length of all property adjacent to the residential zoning district and parallel to such residential district property line(s) at distances and heights provided in Section 420.3(D). The bufferwall will be installed contemporaneously with the construction of the principal use structure. The bufferwall is to be constructed so that activity in the Light Industrial District is not visible from ground level at the residential property line. In a courtyard type design, the rear connecting wall serves as an additional buffer.

**BUFFERYARD:** Open spaces, woodland areas, landscaping, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another to reduce visibility of activity, lights, minimize noise or other potential nuisances.

**BUILDING:** Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or chattels. A building is considered a structure. Also see STRUCTURE.

**BUILDING, HEIGHT OF:** The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge of gable, hip, or gambrel roof. See *Figure 2-1*.



*Figure 2-1: Building Height Measurement*

**BUILDING LINES:** The defining minimum front, side, and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

**BUILDING, NONCONFORMING:** See STRUCTURE, NONCONFORMING

**BUILDING, PRINCIPAL:** The structure on a lot used to accommodate the primary use to which the premises is devoted.

**BUSINESS PARK, OFFICE OR LIGHT INDUSTRIAL SUBDIVISION DEVELOPMENT:** A tract of land that is planned, developed, and operated as an integrated facility for a number of individual light industrial or office uses, with consideration given to overall on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

**BUSINESS SIGNS:** A sign which identifies the business or profession conducted or the principal products sold upon the premises.

**CARPORT:** A covered automobile parking space not completely enclosed by walls or doors. A car port shall be subject to all the provisions prescribed in these regulations for a private garage.

**CEMETERY:** Land used for the burial of human or animal dead and dedicated for cemetery purposes.

**CENTRALIZED SANITARY SEWER SYSTEM:** A system where individual lots are connected to a common sewerage system that is publicly or privately owned and operated.

**CLINIC:** Any building or structure devoted to the medical diagnosis, treatment, and care of human outpatients.

**CLUSTER UNIT:** A dwelling unit built in a Cluster Zone. (Approved 8/31/95)

**CLUSTER PHASE:** An area where individual property ownership consists of a building envelope having an area represented by the actual footprint of the principle building foundation plus not more than five (5) feet in any direction. Property ownership outside the building envelopes shall be used as common open area and regulated by the specific requirements of that zoning district's regulations.

**COMMISSION:** The Richfield Township Zoning Commission.

**COMMERCIAL NURSERY AND WHOLESALE GARDEN CENTER:** An establishment primarily engaged in the sale and/or cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.



**COMMON AREA:** Land area within a development not individually owned or publicly dedicated that is intended for the common use or enjoyment of the landowners or residents of that development.

**COMMON OPEN SPACE:** See Open Space

**CONDITIONAL USE PERMIT:** A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the township.

**COMPREHENSIVE LAND USE PLAN:** The long-range plan for the development of the Township as officially adopted and amended by the Zoning Commission and the Township Trustees.

**CONDOMINIUM:** A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis developed and organized under Chapter 5311 of the ORC.

**CONSTRUCTION DUMPSTER:** A container used for the temporary storage of rubbish or materials related to a construction project on the same premises.

**CONSRUCTION TRAILER:** A portable temporary structure used as an office or for storage in conjunction with a construction project on the same premises.

**CONVALESCENT HOME:** A place for people to recover health and strength gradually after sickness or injury. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for dependent, independent or semi-independent living.

**COURT:** An open unoccupied and unobstructed space other than a yard on the same lot with a building or group of buildings.

**COURTYARD DEVELOPMENT:** The construction of two or more buildings parallel to each other and perpendicular to the residential district property line, with a reinforced concrete wall connecting the rear wall of the buildings, which wall must be at least equal to the height of the principal use structure. All parking is required to be in the front or the side yards, set back at least fifty (50) feet from the residential district property line. All loading space activities must take place in the open yard between the buildings in front of the rear connecting bufferwall. No activity is permitted behind the buildings and/or bufferwall within the one hundred (100) foot setback area.

**COVERINGS:** Any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.

**CUL-DE-SAC:** See THOROUGHFARE.

**DEAD-END STREET:** See NO OUTLET STREET under THOROUGHFARE.

**DECK:** A horizontal platform structure with a floor raised above the natural grade level. These structures are not enclosed by walls, nor do they have a roof. These structures may or may not be structurally connected to the building.

**DENSITY:** The number of dwelling units developed on a gross acre of land.

**DENSITY, GROSS:** The total number of dwelling units divided by the gross area of the site including streets, easements, right-of-way, open space, and/or other public dedication within the proposed development unless otherwise stated in this resolution.

**DENSITY, NET:** The total number of dwelling units divided by the gross area of the site minus any land used for streets, easements, right of way, open space, and/or other public dedications.

**DEVELOPER:** The recorded owner of the original property proposed for approval of a Site Development Plan.

**DEVELOPMENT:** Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling.

**DISCARDED MOTOR VEHICLE:** Any inoperable motor-propelled vehicle, or accessory to same, which is in the process of being wrecked, dismantled, or stored and/or which does not have a license thereon which is valid or was not more than three (3) months previous.

**DIAMETER AT BREAST HEIGHT (DBH):** The tree trunk diameter measured in inches at a height of 4.5 feet from the ground or, in the case of a tree that is divided into multiple trunks below 4.5 feet, as measured at the narrowest point beneath the point of division.

**DISTRIBUTION CENTER:** An establishment engaged in the receipt, administration, short term storage, and distribution of goods, products, cargo and materials including transshipment by boat, rail, air, or motor vehicle.

**DISTRICT:** A section or sections of the unincorporated territory of Richfield Township for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

**DWELLING:** Any building or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family, and multifamily, but not including hotels, motels, boarding houses, lodging houses, tents, recreational vehicles, cabins, and

tourist dwellings. An attached garage for purposes of determining the front, side and rear yards, shall be considered a part of the dwelling.

**DWELLING, ATTACHED:** A building or portion thereof attached by common wall(s) within a single structure, designed for or used exclusively for residential purposes by two or more families. Attached dwelling shall include apartment buildings, duplexes, multi-family, condominiums, elderly housing, etc.

**DWELLING, CONDOMINIUM:** See CONDOMINIUM

**DWELLING GROUP:** A group of single-family, two-family, or multi-family dwellings, or their combination located on one (1) lot and around a common court or courts.

**DWELLING, MULTI-FAMILY:** A dwelling designed for or occupied by three (3) or more families living independently of each other.

**DWELLING, ROW OR TOWNHOUSE:** A dwelling designed for occupancy by three (3) or more families, having private entrances, exits, stairways and hallways for each family unit.

**DWELLING, SINGLE-FAMILY:** A dwelling designed for or used exclusively for residential purposes by one (1) family.

**DWELLING, TWO-FAMILY:** A dwelling designed for or occupied by two (2) families living independently of each other.

**DWELLING UNIT:** One or more rooms providing complete living facilities for one (1) family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, and eating, private entrances, exits, stairways and halls.

**EASEMENT:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**ELDERLY/HANDICAPPED PERSON:** Any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his/her physical impairments are of a long-term duration and impede his/her ability to live independently without a suitable housing environment.

**ELDERLY/HANDICAPPED HOUSING FACILITY:** A building or buildings containing dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purposes of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

**ESTABLISHMENT:** Includes any of the following:

The opening or commencement of any Sexually Oriented Businesses as a new business.

The conversion of an existing business, whether or not a sexually Oriented Business, to any Sexually Oriented Business.

The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business or

The relocation of any Sexually Oriented Business.

**FAMILY:** One or more persons occupying a dwelling and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, hotel, tourist dwelling, sorority, or fraternity. A family may also include domestic servants and gratuitous guests.

**FENCE:** An artificially constructed barrier of any material or combination of materials erected with the intent to enclose, define, or separate areas. Fences include open structures (such as, but not limited to split rail, chain link or wrought iron type), closed structures (such as, but not limited to solid masonry or board on board type), mounding of soil, stone, or other material, plantings of hedges or other landscaping materials or any combination of the preceding when designed to function as fencing.

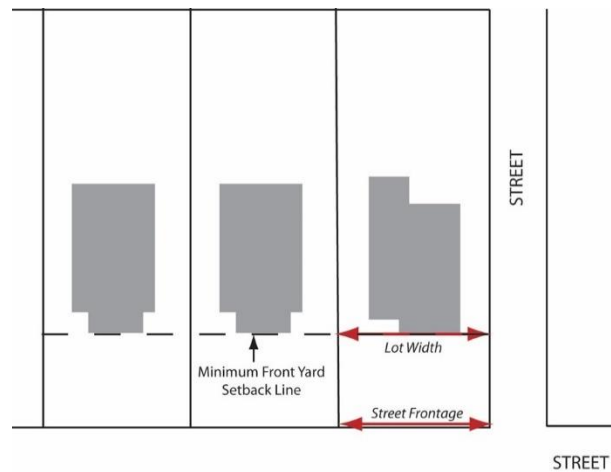
**FLAG LOT:** Any lot having less than the minimum required width at the front property line with a portion of its area behind another lot having frontage on the same street. Also see LOT TYPES.

**FLOOR AREA:** The sum of the gross horizontal areas of the floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating two (2) buildings. Floor area, for the purposes of these regulations, shall not include basement, garage, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

**FOOTCANDLE:** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

**FRONTAGE, STREET:** All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street or, if the street has no outlet, all the property abutting on one side between an intersecting street and the end of a street.

**FRONTAGE, LOT:** The continuous distance for which the boundary line of the lot lines and the street are coincident. See *Figure 2-2*.



*Figure 2-2: Street Frontage, Lot Width and Front Setback*

**GARAGE, PRIVATE:** A detached building or a portion of the dwelling, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling.

**GARAGE, AUTO SERVICE SHOP:** A building or portion of a building, in which repairs are made to motor vehicles, and in which there is no painting of cars or body and fender work done.

**GARAGE, PUBLIC:** A building, or portion of a building, in which more than four (4) motor vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leasing such space and accommodation, and in which no repair work is.

**GRADE, FINISHED:** The elevation of the finished surface of the ground adjacent to the exterior surface of the structure at the main entrance that conforms to any approved plans.

**GRADE, NATURAL:** The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

**GROSS ACRE:** Land area, measured on the horizontal plane, and including land occupied by all natural and man-made features of the landscape.

**HAZARDOUS WASTE OR MATERIALS:** Those chemicals or substances that are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Fire and Building Codes in accordance with the Code of Federal Regulations Title 29 and other nationally recognized standards.

**HISTORIC AREA:** A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, or because of their being a part of or related to a square, park or area the design of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural purposes.

**HOME OCCUPATION:** Any use or profession customarily conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling or dwelling purposes and does not change the character thereof.

**HOSPICE:** A homelike facility operated by a person, legal entity or public agency which provides physical, psychological, social, spiritual, and other special needs to terminally ill patients and their families during the final stages of illness, dying and bereavement.

**HOSPITAL:** Any building or other structure containing beds for at least four (4) patients and devoted to the medical diagnosis, treatment, or other care of human ailments.

**HOTEL:** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or a lodging house.

**IMPERVIOUS SURFACE:** Any man-made hard surface area that does not readily absorb or retain water, including but not limited to buildings, roofs, pavement, driveways, sidewalks, and compacted gravel if determined impervious by the Summit County Soil and Water Conservation District.

**INDUSTRIAL USE:** See LIGHT INDUSTRIAL USE

**INSTITUTION:** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

**INSTITUTIONAL/CIVIC/PUBLIC:** An educational, religious, health, or public use, such as a church, library, museum, public or private school, hospital, institutional residences such as intermediate or long-term care facilities for the elderly or

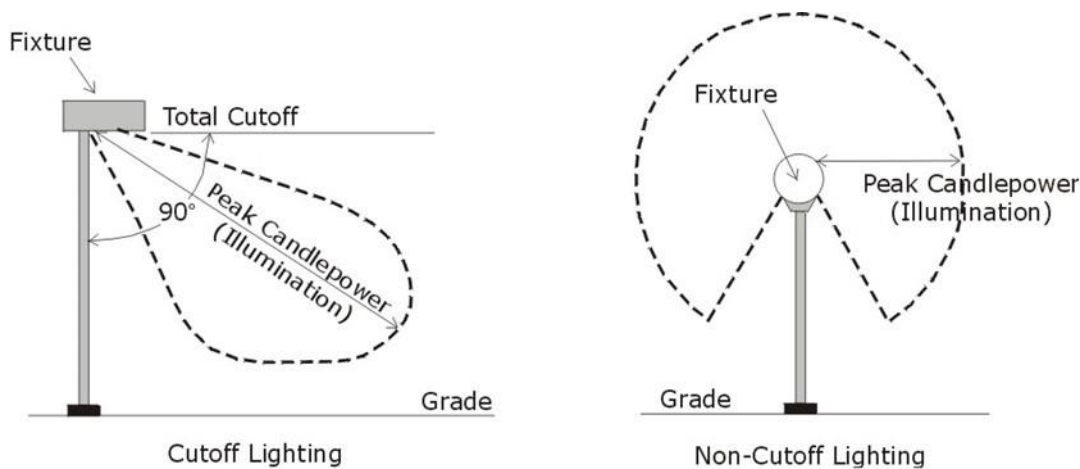
developmentally disabled, or government-owned or operated building, structure, or land used for public purpose, and in which goods, merchandise, and services are not provided for sale on the premises.

**JUNK YARD:** The use of more than twenty-five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.

**LIGHT CUTOFF:** An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in *Figure 2-3*.

**LIGHT INDUSTRIAL USE:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors or health or safety hazards outside of the building or lot which such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building.

**LIGHT, NON-CUTOFF:** An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground. See *Figure 2-3*.



*Figure 2-3: Illustration of Cutoff and Non-Cutoff Lighting*

**LOADING:** Loading shall be determined to be the activity of moving product on or off a vehicle or trailer at the building wall where access between the building and vehicle meet.

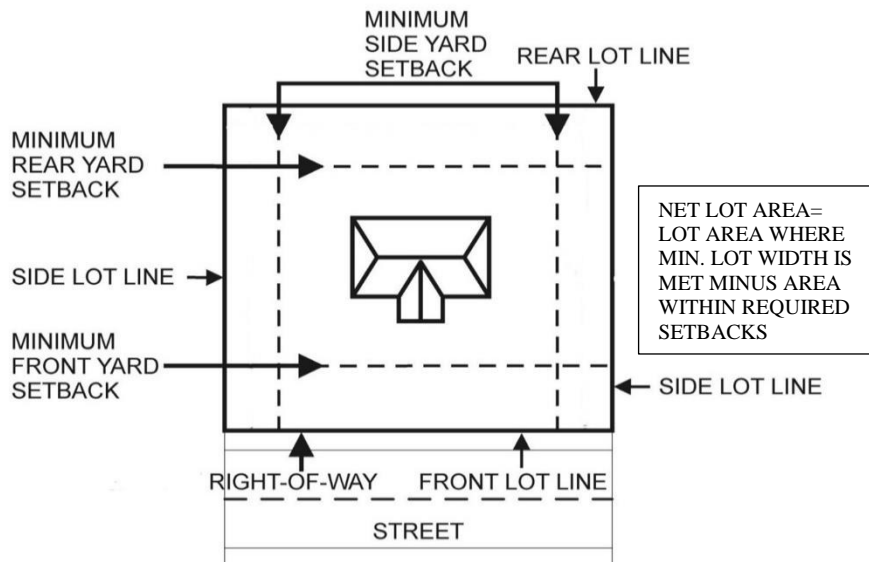
**LOADING SPACE:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle

while loading or unloading merchandise or materials, and which abuts upon a street, alley, driveway, or other appropriate means of access.

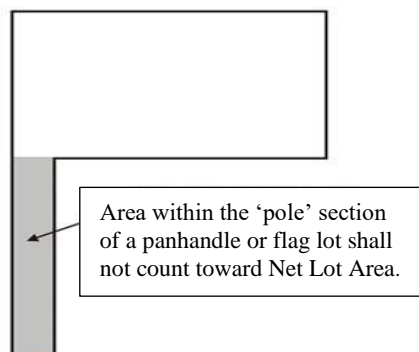
**LOT:** A piece, parcel or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces and access to or frontage on a public street, as required by these regulations.

**LOT AREA:** The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street, the area may not be included as part of the lot area for the purpose of these regulations.

**LOT AREA, GROSS:** The total area within the lot lines of a property, excluding any street rights-of-way and the staff area of a flag or panhandle lot, where applicable. See *Figures 2-4 and 2-5*.



*Figure 2-4: Net Lot Area Illustration*



*Figure 2-5: Gross Lot Area for a Flag/Panhandle Lots*



**LOT AREA, NET:** A two-dimensional space representing the area within a lot where both minimum setback and lot width requirements are met. See *Figure 2-4*.

**LOT COVERAGE:** The portion of a lot covered by the principal and accessory structures and surfaces that prevent the passage or absorption of stormwater including all impervious surfaces.

**LOT FRONTAGE:** See FRONTAGE, LOT

**LOT LINES:** The property lines defining the limits of a lot line. See *Figure 2-4*:

Front: The line separating a lot from the street or streets.

Rear: The lot line opposite and most distant from the front lot line.

Side: Any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line; a side lot line separating a lot from a street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

**LOT OF RECORD:** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Summit County; or a parcel of land, the deed to which was of record on or prior to the effective date of these regulations.

**LOT, NONCONFORMING:** A lot that does not meet the minimum lot area requirements of the applicable zoning district.

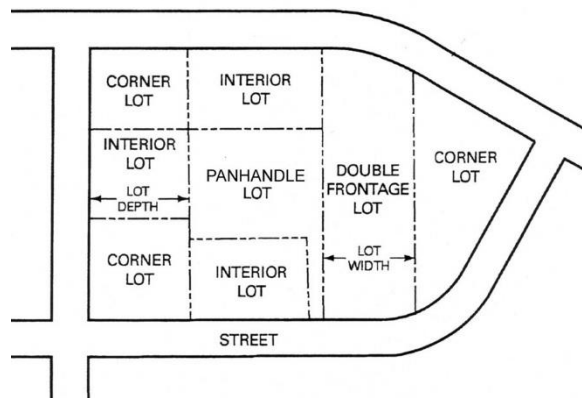
**LOT TYPES:** See *Figure 2-6*. Types of lots are as follows:

Corner: A lot at the junction of and abutting upon two (2) intersecting streets

Double frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Interior: A lot other than a corner lot.

Three-sided: For lots having three sides, the lot line shall meet minimum requirements for the zone it is in, the point of the triangle opposite the front lot line shall be used for the rear lot requirements of the zone.



*Figure 2-6: Illustration of Lot Types*

**LOT WIDTH:** The horizontal distance between the side lot lines measured at two points where the building line, or setback line, intersects with the side lot lines. When the minimum setback line is not perpendicular to the side lot lines, the lot width shall be measured at the midpoint of the minimum setback line. See *Figure 2-2*.

**MANUFACTURING:** A use engaged in the processing and manufacturing of materials and products predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assembly, treatment, packaging, incidental storage, sales and distribution of such products which would not generate objectionable or hazardous elements such as smoke, odor, vibration, water pollution or dust.

**MEDICAL CLINIC:** An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers, and where patients are not usually lodged overnight.

**MINIMUM BUILDING SETBACK LINE:** See SETBACK, BUILDING

**MOBILE HOME:** See TRAILER.

**MOTEL:** Any building or group of buildings containing sleeping rooms, with or without cooking facilities, to be used as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

**NET METERING:** The process by which surplus energy generated by a customer, as measured by the difference between the electricity supplied by an electric service provider and the electricity generated by a customer in an applicable billing period, is fed back to the electric service provider with customer compensation.

**NONCONFORMING USE:** See USE, NONCONFORMING

**NONCONFORMING LOT:** See LOT, NONCONFORMING

**NONCONFORMING BUILDING:** See STRUCTURE, NONCONFORMING

**NUDE MODEL STUDIO:** Any place where a person who appears nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

Nude Model Studio shall not include:

- 1) A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;
- 2) A private college or university that offers educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- 3) An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or semi-nude model is on the premises at any one time.

**NO OUTLET STREET:** See THOROUGHFARE

**NUDITY OR STATE OF NUDITY OR NUDE:** Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume or covering that gives the appearance of or simulates any of these anatomical areas.

**NUISANCE ELEMENTS:** Any environmental pollutant, such as smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration or heat.

**NURSERY, NURSING HOME:** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**NURSERY, PLANT MATERIALS:** Land, buildings, structures, or the combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

**OFFICE, BUSINESS OR PROFESSIONAL:** An establishment providing executive, management, administrative, or professional services, including medical or dental

services, but not involving the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, doctor, dentist, out-patient medical laboratories, architecture, design, engineering, accounting, and similar offices.

**OPEN SPACE:** The portion of Common Area within a development that is reserved to meet the minimum Open Space requirements for the specific regulations of that zoning district.

**OUTDOOR ADVERTISING SIGN:** See BILLBOARD

**OUTDOOR WOOD FIRED BOILER:** Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood-Fired Boiler may also be referred to as an Outdoor Furnace or Outdoor Hydronic Heater.

**PANHANDLE LOT:** See FLAG LOT

**PARCEL:** See LOT.

**PARKING SPACE:** An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.

**PATIO:** A horizontal platform structure made of concrete, mortared brick, mortared stone or other like construction. A patio with a footer or foundation is considered a structure. A patio consisting of pavers or stone placed on the surface of the ground without a footer or foundation does not require a permit.

**PERSON:** An individual, proprietorship, partnership, corporation, association or other legal entity.

**PHILANTHROPIC INSTITUTE:** A building occupied by a nonprofit corporation or entity for the purpose of promoting human welfare through the organization's acts.

**PLANNED RESIDENTIAL DEVELOPMENT:** An integrated residential development where dwellings are permitted to be built to higher densities and open space is required.

**PORCH:** A structure that is considered part of the house consisting of a floor and roof with no walls.

**POWER GRID:** The transmission system created to balance the supply and demand of electricity for consumers in Ohio.

**PRINCIPAL BUSINESS PURPOSE:** Twenty-five percent (25%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a

percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for consideration, whichever is greater.

**PRIVATE ROAD:** A permanent, private, common access road for the joint use of the owners of all lots in the subdivision. This road must be approved by the Board of Zoning Appeals and constructed to the public road specifications of the Summit County Engineer's Office.

**RECORDING, RADIO, OR TELEVISION STUDIO:** A place for radio (audio), television (visual), or musical recording production. Radio or television studio shall mean only that part of a radio or television station from which the signal originates and shall not include the transmitter or antennas parts of the station.

**RECREATIONAL FACILITY, COMMERCIAL:** A privately owned, for-profit recreational facility open to the public at large for a fee.

**REPAIR SERVICES:** An establishment primarily engaged in the provision of repair services to individuals, households, or other businesses, but excluding automotive or other vehicle repair and farm machinery and tractor repair. Typical uses include appliance repair shops, furniture repair and reupholster shops, watch or jewelry repair shops, and musical instrument repair shops.

**RESEARCH LABORATORY:** An industrial establishment or other facility engaged in scientific research, investigation, product engineering development, product development and testing, market development, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

**RESTAURANT:** An establishment where the principal business is the sale of food and beverages in a ready-to-consume state where:

- (1) fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use,
- (2) where there is no service to a customer in an automobile and,
- (3) where the design or principal method of operation consists of one or more of the following:
  - (a) A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverages are consumed or,
  - (b) A cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.

**RETAIL:** Establishments that sell or rent commonly used goods and merchandise for personal or household use but excludes those uses classified more specifically in this Resolution (e.g., adult businesses or wireless telecommunications). Typical uses include

grocery stores, department stores, furniture stores, clothing stores, and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor coverings, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques, or automotive parts and accessories.

**RIGHT OF WAY:** See STREET RIGHT OF WAY

**ROAD CLASSIFICATION SYSTEM:** (Per Summit County Engineers Office)

#### Minor Arterial Roads

The rural minor arterial road system should, in conjunction with the principal arterial system, form a rural network having the following characteristics:

1. Link cities and larger towns and form an integrated network providing interstate and intercounty service
2. Provide service to corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterials therefore constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to-through movement

#### Major Collector Roads

1. Provide service to the larger towns not directly served by the higher systems, and to other traffic generators of equivalent intracounty importance, such as consolidated schools, county parks, important agricultural areas, etc.
2. Link these places with nearby larger towns or cities, or with routes of higher classification, and
3. Serve the more important intracounty travel corridors.

#### Minor Collector Roads

1. Spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road,
2. Provide service to the remaining smaller communities, and
3. Link the locally important traffic generators with their rural hinterland.

#### Local Roads

The rural local road system should have the following characteristics:

1. Serve primarily to provide access to adjacent land; and
2. Provide service to travel over relatively short distances as compared to collectors or other higher systems.

**ROADSIDE STANDS:** A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises and to be removed and stored back of the building line on the property at the conclusion of the seasonal sales.

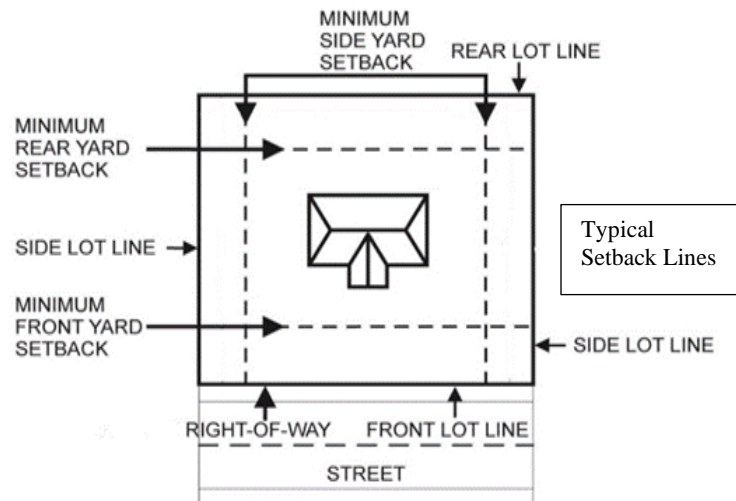
**SANATORIUMS:** An establishment that provides therapy combined with a regimen for treatment or rehabilitation of the chronically ill.

**SATELLITE DISH:** A structure designed, constructed, or modified for receiving communication or television signals from any orbiting transmitter or transmitter relay.

**SEMI-NUDITY OR SEMINUDE CONDITION OR SEMINUDE:** Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

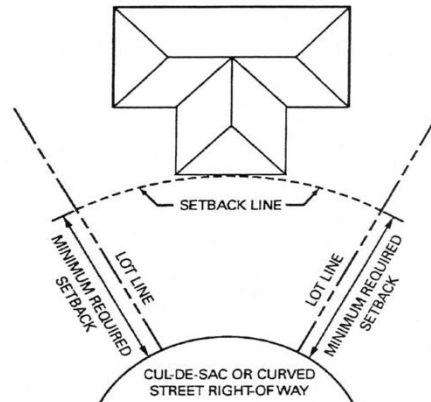
**SERVICE ROAD:** A publicly dedicated road serving industrially zoned land on both sides. The road may or may not be a through road; however, the road cannot have any residential development on it.

**SETBACK:** The minimum distance a structure must be located from a property line or road right-of-way as required in the applicable zoning district. See *Figure 2-7*.



*Figure 2-7 Typical Setback Lines*

**SETBACK, BUILDING:** A line parallel to or concentric with the street right of way line and at a distance there from equal to the required depth of the front yard, and extending across the full width of the lot, but in no event shall said minimum building setback line be any closer than twenty (20) feet from any lot line. Where the right-of-way is not established, the right-of-way shall be assumed to be sixty (60) feet. Where a major thoroughfare or collector thoroughfare is designated on the Comprehensive Land Use Plan, the setback line shall be measured from the proposed right-of-way line. See *Figures 2-7 and 2-8*.



*Figure 2-8: Illustration of curved front setback*

**SETBACK, FRONT:** See SETBACK, BUILDING.

**SETBACK LINE:** The line created when applying the required setback distances on a lot. See *Figure 2-7*.

**SETBACK, REAR:** The minimum distance required between a structure and the rear lot line.

**SETBACK, RIPARIAN:** A distance, as specified by the Summit County Riparian Ordinance, from the ordinary high-water mark on each bank of a waterway to protect the adjacent area and waterway from impacts of development, and streamside residents from impacts of flooding and land loss through erosion.

**SETBACK, SIDE:** The minimum distance required between a structure and an adjacent lot where such lot line is defined as a side lot line.

**SEXUAL ENCOUNTER CENTER:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:



Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.

**SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, sexual encounter center, or adult computer center.

**SHOWROOMS AND SALESROOMS FOR WHOLESALE DISTRIBUTION:** An establishment whose principal business is wholesale trade or distribution of manufactured products, supplies, and equipment, and which may include accessory offices.

**SIDEWALK:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**SIGN:** Any structure, or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction or advertisement. For these regulations the word "sign" does not include the flag, pennant, badge, or insignia of any government, or governmental agency or of any charitable, religious, educational or similar organization.

**SIGN AREA:** For the purposes of establishing sign areas, the area of a sign will be determined by multiplying width at widest point times the height, measured from the bottom of the lowest panel to the top of the highest panel. One or both sides may be used.

**SITE DEVELOPMENT PLAN:** The plan and supporting narrative documents for a development that has received Township approval and meets all requirements of that specific zoning district and which must be approved at the Township level in order to proceed to The Summit County Planning Commission for approval.

**SOLAR ENERGY PANEL/SYSTEM:** A structure or panel containing solar cells that collects sunlight and converts it to electric current.

**SPA:** See SWIMMING POOL

**SPECIFIED ANATOMICAL AREAS:** The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or less than completely and opaquely human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

**SPECIFIED SEXUAL ACTIVITIES:** The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; Sex acts, normal or perverted,

actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or Excretory functions as part of or in connection with any of the activities set forth above.

**STABLE, PRIVATE:** See ANIMAL BARNS, PRIVATE

**STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

**STREET, PUBLIC:** See THOROUGHFARE.

**STREET, PRIVATE:** See THOROUGHFARE.

**STREET RIGHT-OF-WAY LINE:** A dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes. See *Figures 2-7 and 2-8*.

**STRIP MINING:** A mine that is worked from the earth's surface by stripping away the materials.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including advertising signs, billboards, pergolas, farmers' roadside stands, accessory uses with or without a foundation but not including fences, or walls that do not require a footer/foundation.

**STRUCTURE, NONCONFORMING:** A structure or building, the size, dimensions or location which were lawful at the time of construction now no longer conform to the current requirements of the zoning code due to amendment.

**STRUCTURE MOUNTED WIND ENERGY SYSTEM:** A wind energy system mounted on a structure roof, walls, or other elevated surface that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A structure mounted wind energy system shall project no more than twenty (20) feet above the highest point of the roof excluding chimneys, antennae, and other similar protuberances.

**SUBDIVISION DEVELOPMENT:** The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

**SUBSTANTIAL ENLARGEMENT:** (of a Sexually Oriented Business) The increase in floor areas occupied by the business by more than twenty-five percent (25%) as the floor areas exist on the date this section takes effect.

**SWIMMING POOL:** A receptacle for water or an artificial body of water having a depth at any point of more than eighteen (18) inches, constructed above or below the ground, indoors or outdoors, and used or intended to be used for the immersion of human beings for the purpose of recreation, exercise and/or relaxation.

**SWIMMING POOL OR SPA, COMMERCIAL:** A swimming pool or spa used or intended to be used for public, semi-public, or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon adults or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee, or concessionaire, exclusive of a private pool as defined herein, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool or spa, and also all swimming pools or spas operated and maintained in conjunction with or by clubs, motels, hotels, and community associations.

**SWIMMING POOL OR SPA, PRIVATE RESIDENTIAL:** A swimming pool or spa used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee; and not for the purpose of profit or in connection with any business or association operated for profit. A swimming pool or spa intended for the use of members and guests of nonprofit clubs or organizations, or if its use is limited to household residents of multiple dwelling units, subdivision, neighborhood, community, or other specified area of residents, shall be considered a private residential swimming pool or spa.

**TELECOMMUNICATION:** Technology permitting the passage of information from the sender to one or more receivers in a usable form by means of any electromagnetic system.

**TELECOMMUNICATION FACILITY:** The facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to central switching computer which connects the mobile unit with the land-based telephone lines.

**TEMPORARY ANEMOMETER:** A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow

characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

**TEMPORARY LIVING QUARTERS:** The term shall mean motor homes, truck type campers and mobile homes, associated with a public or private event, where only exhibitors, performers and/or workers associated with the permitted event move his or her temporary living quarters on to a site with a plan submitted to and approved by the Township.

All living quarters shall be at least four hundred (400) feet from any outside boundary of the property involved. The permit shall be good for a maximum of fourteen (14) days.

**THOROUGHFARE:** Street or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

Alley: A public thoroughfare which affords only a secondary means of access to a lot or abutting property.

Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in vehicular turnaround.

No Outlet (or dead end): A street with only a single combined point of ingress /egress.

Private Street/Road: A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements.

Public Street: A public thoroughfare which has been dedicated to the public for public use or subject to public easements therefore, and which affords the principal means of access to abutting property.

**TOURIST DWELLING:** A dwelling where overnight accommodations are provided for tourists.

**TOWER MOUNTED WIND ENERGY SYSTEM:** A wind energy system mounted on a tower that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

**TRAILER OR MOBILE HOME:** Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or

drawn by its own or other motor powers. These vehicles or structures shall be permitted for temporary use only.

**TRUCK:** Shall mean a motor vehicle designed primarily for the movement of property, goods or equipment. Includes vehicles called trucks, pickups, delivery vans, buses, motor homes and similar vehicles.

Light Truck shall mean a single rear axle and single rear wheel vehicle.

Medium Truck shall mean trucks and similar vehicles other than truck tractors with single rear axles and dual rear wheels.

Heavy Truck shall mean trucks including truck tractors with two (2) or more rear axles.

**TRUCK AND TRANSFER TERMINAL:** A building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

**TRUSTEES:** The Board of Trustees of Richfield Township.

**USE:** The purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity, or operation carried on, or intended use.

**USE, NONCONFORMING:** A use established in conformance with the zoning resolution at that time of establishment but due to later amendments no longer conform to the district permitted or conditionally permitted uses. Nonconforming uses are permitted to continue unless they cease for more than 24 months. After such time any further use shall conform to the zoning resolution in place.

**USED CAR LOT:** Any lot on which two or more motor vehicles (which have been previously titled in a name other than the manufacturer or dealer) in operating condition are offered for sale or displayed to the public.

**VEHICLE AND EQUIPMENT RENTALS:** The use of any building, land area, or other premises for the rental of cars, light trucks, and/or light equipment, and shall not include vehicle repair/services.

**WAREHOUSE AND WAREHOUSING:** An establishment or use, conducted within a completely enclosed building, which is engaged in the storage of materials, equipment, or products.

**WETLANDS:** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**WHOLESALE TRADE:** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents, or brokers and buying merchandise for, or selling merchandise to, such individuals or companies, packaging of goods on site is permitted, but manufacturing of goods is prohibited.

**WIND ENERGY SYSTEM:** A system that converts the kinetic energy of the wind into electricity available for use beyond that used by the system.

**WIND ENERGY SYSTEM PROPERTY BLOCK:** The acreage allocated to a wind energy system when a conditional use permit is granted to install a wind energy system. May consist of one or more parcels of land having one or more owners.

**WIND ENERGY SYSTEM TOTAL HEIGHT:** Is the vertical distance measured from the base of the system to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind energy system.

**WIRELESS COMMUNICATION SITE:** The plot of land upon which the tower structure and equipment building are secured.

**WIRELESS COMMUNICATION SITE CO-LOCATION:** Sharing of structures by several Wireless Service Providers.

**WIRELESS SERVICE:** Includes a broad range of wireless spectrum-based services including commercial mobile services such as personal communication services (PCS), as cellular radio mobile services and paging services.

**WIRELESS TELECOMMUNICATIONS ANTENNA:** An antenna designed to transmit or receive communications authorized by the Federal Communications Commission excluding amateur radio operator's antenna.

**WIRELESS TELECOMMUNICATIONS EQUIPMENT BUILDING:** The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**WIRELESS TELECOMMUNICATIONS TOWER:** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. See *Figures 2-9 through 2-12*.

Front: A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of the

principal building or structure existing or proposed for construction on said lot. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty (60) feet. Where a major or collector thoroughfare is designated on the Comprehensive Land Use Plan, the front yard depth shall be measured from the proposed street right-of-way line.

Rear: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall be in all cases at the opposite end of the lot from the front yard.

Side: A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side lines of the lot and extending from the front yard to the rear yard.

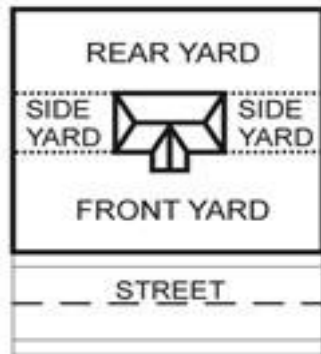


Figure 2- 9: Interior Lot Yards

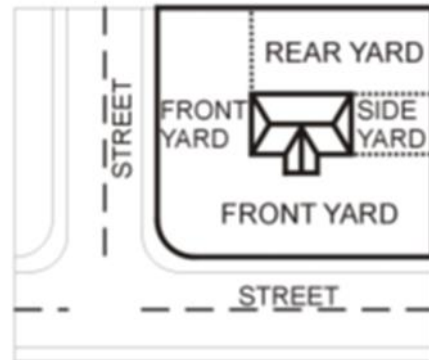


Figure 2-10: Corner Lot Yard

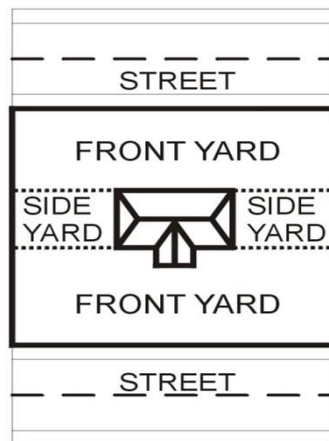


Figure2-11: Double Frontage Lot

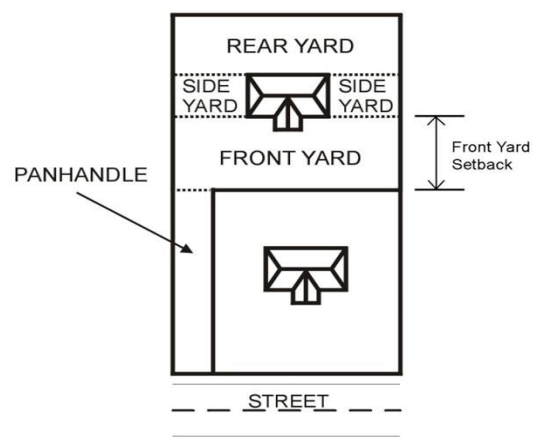


Figure 2-12: Flag Lot Yards

**ZONING CERTIFICATE:** A Written document issued by the Zoning Inspector, or other authorized person acting in that capacity, which indicates that the submitted plans and specifications for land use (except a conditionally permitted use) and/or for proposed construction, reconstruction or relocation of any structure or part thereof comply with all applicable provisions of the regulations hereof and grants to the applicant permission to proceed with the proposed land use.

**ZONING CERTIFICATE CONDITIONAL:** A written document issued by the Board of Zoning Appeals for a conditionally permitted use which indicates that the submitted plans and specifications for land use and/or for a proposed construction, reconstruction or relocation of any structure or part thereof comply with all applicable provisions of the regulations hereof and following, securing of Zoning Certificate from the Zoning Inspector grants to the applicant permission to proceed with the proposed land use.

**ZONING MAP:** The "Zoning Districts Map of Richfield Township, Summit County, Ohio."



## **ARTICLE III**

### **GENERAL PROVISIONS**

#### **Section 301 Purpose**

The unincorporated territory of Richfield Township, Summit County, Ohio, is hereby divided into zone districts. All such regulations are uniform for each building, structure, or use within each zone district.

#### **Section 301-1 Types of Districts**

CD Conservation District

R-1 Rural Residential District

R-2 Residential District (retired 2/28/02, See Appendix 1)

R-4 Planned Residential Development District

C Commercial District

LI-O Light Industrial - Office District

#### **Section 301-2 Zoning Districts Map**

The districts and their boundary lines are indicated upon a map entitled "Zoning Districts Map of Richfield Township, Summit County, Ohio," which said map is made a part of this Resolution. The said District Map, together with all notations, references, and other matters shown thereon, are hereby declared a part of this Resolution.

#### **Section 301-3 Interpretation of District Boundaries**

Where any uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

##### **A. Where Boundaries Approximately Follow Streets, Alleys, or Highways**

Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.

##### **B. Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, or Highway Right-of-Way Lines**

Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

#### C. Vacation of Public Ways

Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

### **301-4 Supplementary Regulations**

#### A. Permitted Use

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the district provisions established by these regulations for the districts in which the building or land is located. Uses which are omitted from these regulations, not being specifically permitted, shall be considered prohibited until, by amendment, such uses are written into these regulations.

#### B. Permitted Height Exceptions

Except as specifically stated in other parts of these regulations, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five percent (25%) of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building.

Public or semipublic buildings, when permitted in a district, may be erected to a height not to exceed forty-five (45) feet, except that churches and temples may be erected to a height not to exceed sixty (60) feet if the building is set back from each yard line at least one (1) foot for each foot of additional building height

above the height limit otherwise provided in the district in which the building is located.

#### C. Front Yard Variances in Residential Districts

In any "R" District where the average depth of at least two (2) existing front yards on lots within two hundred (200) feet of the lot in question and within the same block is less or greater than the least front yard depth prescribed elsewhere in these regulations, the required depth of the front yard on such lot may be modified by approval of the Board of Zoning Appeals. In such case, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the depth of the front yard on any lot shall not be less than twenty-five (25) feet and need not exceed one hundred (100) feet.

#### D. Corner Lot

Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets.

#### E. Zoning Certificate

No Zoning Certificate shall be issued without evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use for which the Zoning Certificate has been requested. No Zoning Certificate shall be granted to build any structure within the confines of the unincorporated area of the Township which has ingress or egress to the highway until the owner of such property has secured a permit from the State Highway Department, the County Engineer, or the proper Township official (whichever authority has jurisdiction) to install a culvert of the proper size and specifications required by said State Highway Department, County Engineer, or proper local Township official (whichever authority has jurisdiction) and completed proper installation of such culvert.

#### F. Sewage and Water Facilities

Where central sanitary sewage facilities and central water facilities are not available, the minimum lot size shall be two (2) acres per dwelling unit, where permitted, unless a larger area is required by these regulations and/or the responsible health authority.

#### G. Transition Areas

To secure the optimum effect of transition from a residential to a nonresidential district or use, the Board of Zoning Appeals, shall have the power to determine

the need for and amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.

#### H. Essential Services

Essential services as defined by these regulations shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Ohio; it being the intention hereof to exempt such essential services from the application of these regulations.

#### I. Construction

Nothing contained in these regulations shall hinder the construction of a building or prohibit its use where construction has started before the effective date of these regulations provided the foundations and/or footings have been put in place before said effective date of these regulations and provided further that such building shall be completed for occupancy within two (2) years from the date of passage of these regulations.

#### J. Principal Building

No more than one (1) dwelling shall be permitted on any lot unless otherwise specifically stated in these regulations and every dwelling shall be located on a lot having required frontage at the minimum building setback line.

#### K. Substandard Lots

Any lot not meeting minimum area requirements and being a lot of record or lot for which a land contract has been issued or any lot within an unrecorded allotment, of which at least one-half (1/2) of said lots are of record or have been sold on land contract on the effective date of these regulations, may be used for a single-family dwelling irrespective of the area, depth, or width of said lot; the width of the said yard of any such lot need not exceed ten percent (10%) of the width of the lot; the depth of the rear yard need not exceed twenty percent (20%) of the depth of the lot, provided however, that in no instance shall the minimum dimensions of the side and rear yards be less than five (5) and twenty (20) feet respectively.

#### L. Lots, Yards, and Open Space

No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by these regulations may, by reason of change in ownership or otherwise, be counted or

calculated to satisfy the yard or other open space requirement of or for any other building.

#### M. Visibility at Corner Lots

No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers.

#### N. Dwelling Other Than a Main Structure

No residential structure shall be erected upon a lot with another dwelling.

#### O. Accessory Building or Structure

Accessory buildings or structures are regulated by the requirements of each specific zoning district, and additionally must meet the following requirements:

1. Construction shall be subsequent to or simultaneously with construction of the principal use building.
2. Shall not be located closer to any other building than ten (10) feet, unless attached and made structurally a part of the existing building and shall conform to the yard requirements of the district in which located.
3. Shall be located in a side or rear yard only, unless located on a Flag Lot and set back at least 300 feet from the road right-of-way and meeting all setback and other requirements for that zoning district.
4. All Accessory Buildings or Structures, permanent or temporary, must adhere to the setback and other requirements for the zoning district, irrespective of size of the building or structure and shall require issuance of a zoning certificate when footprint is more than one hundred and twenty (120) square feet.
5. In residential districts, Accessory Buildings or Structures shall be limited to eighteen (18) feet in building height, and shall not exceed the building height of the principal use building

#### P. Temporary Buildings During Construction

Temporary buildings, trailers, or mobile homes for use incidental to construction may be placed in any of the zone districts herein established. They are to be used

only for storage and/or office space. However, a temporary building, trailer, or mobile home may be inhabited by a landowner as a single-family dwelling during the repair or reconstruction of an existing home where damage has been caused by a natural disaster such as water, wind, or fire. The allowable period is for one year with request for extension of one year. See Board of Trustees Fee Schedule for possible refundable amounts if permitted period has not been exceeded and the unit is removed within five (5) days after the project is finished.

#### Q. Approval of Plats

No proposed plat of a new subdivision shall be approved unless the lots within such plat equal or exceed the minimum requirements set forth in the various restrictions of these regulations.

#### R. Inconsistencies

In the event any of the requirements or regulatory provisions of these regulations are found to be inconsistent with one another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

#### S. Prohibited Uses

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of these regulations, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to the noise, vibration, electrical interference, refuse matter or water-carried wastes.

#### T. Regulations of Agricultural Uses

Nothing contained in these regulations shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures other than dwellings incident to the use for agricultural purposes of the land upon which such buildings or structures are located. No fee shall be required for a Zoning Certificate for such a use, building or structure.

#### U. Compliance with Building Regulations

All structures shall comply with the standards and requirements of the building regulations adopted and administered by the Summit County Department of Building Standards.

#### V. Swimming Pools and Spas

Public or private swimming pools and spas as herein defined shall be considered as structures for the purpose of permits and these regulations and shall conform to

all required yard setback lines. The construction, plumbing, electrical requirements, inspection, and safety facilities including necessary fencing, shall be regulated by the County or State Code applicable to such pools.

#### W. Fences, Walls, and Hedges

Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard.

#### X. Dwelling Unit Size

Each single-family or two-family dwelling hereafter constructed or converted shall provide a minimum floor area of one thousand one hundred (1,100) square feet, for each dwelling unit.

Each multifamily dwelling unit hereafter constructed or converted shall provide: For a one-bedroom unit, a minimum of five hundred fifty (550) square feet; for a two-bedroom unit a minimum of seven hundred (700) square feet; for a three-bedroom unit a minimum of nine hundred (900) square feet. More than three-bedroom units shall be prohibited.

All units without basement facilities must provide a utility area of not less than one hundred (100) square feet.

#### Y. Buffer Zone

A separation of like or unlike zoned areas. The area must be landscaped and maintained, or it can be left in a natural wooded condition. Fences, walls, and hedges are allowed as provided in the general provisions. The Board of Zoning Appeals will determine the size of the buffer zone (if required) while administering their responsibilities.

#### Z. Lot Size Requirement

Land within the official boundaries of the Cuyahoga Valley National Park if under private ownership, may be considered as part of the land requirements for calculating the pro-rated dwelling density per acre.

#### AA. Access to Public Streets

In a CD, R-1, or R-2 district, no lot shall contain any building used as a dwelling unless it abuts at least fifty (50) feet on a public dedicated road and provided (a) the Zoning Inspector, in the issuance of a permit or (b) the County of Summit Planning Commission, in case of land subdivision, is satisfied that the overall arrangements will not result in a hazardous or inaccessible condition in respect to emergency equipment.

#### BB. Television Satellite Dishes

Television satellite dishes 28" in diameter or larger shall be considered structures, requiring a permit and subject to sideline and rear setbacks applicable to the district in which they are placed. However, the dish shall not be located in the "front yard" area. The area surrounding the dish shall be landscaped to minimize visual impact on adjoining property owners and screening shall consist of dense evergreen shrubs placed to create a substantial opaque visual barrier. Landscaping shall be completed within one hundred eighty (180) days of installation of satellite dish.

#### CC. Streetlighting

Where new roads are to be built that intersect with existing private, township, county, or state routes, the builder of these new roads shall provide for the illumination of intersections, per recommendations of the Electric Utility Company and as approved by the Zoning Inspector. Plans for illumination must be completed prior to the road's use for occupation of buildings. Interior intersections, whether they are public or private roads, must also be illuminated as specified above.



## **ARTICLE IV**

### **USE, AREA, HEIGHT REGULATIONS**

#### **Section 401 CD-CONSERVATION DISTRICT**

##### **Section 401-1 Purpose**

This district is established for the following purposes: (1) to preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic areas; (2) to protect the ecological balance of an area; (3) to conserve natural resources, such as river valleys, and tracts of forest land; and (4) to reduce the problems created by intensive development of areas having excessively high water tables, or which are subject to flooding, or which are topographically unsuited for urban type uses.

##### **Section 401-2 Uses**

###### **A. Permitted Uses**

1. Single Family Dwelling.
2. Wildlife Refuge and or Game Preserve

Consisting of land set aside by the owner or user to provide wildlife that are indigenous to the area with the essential elements of food, cover and water. The area is established and maintained for the protection of wildlife.

3. Roadside Stands.

Offering for sale only agricultural products which are produced on the premises, including one (1) sign advertising such products not exceeding ten (10) square feet erected beyond the building line. Such roadside stand and sign shall not be erected nearer than thirty (30) feet from either side lot line. Such stand, sign and required off-street parking shall be located and set back in such a manner so as not to create a traffic hazard.

4. Accessory Buildings.

Temporary or permanent, incidental to the principal use, such as secondary private garage, tool sheds, storage buildings, recreational buildings, etc., and which do not include any activity conducted as a business. These buildings must abide by all yard and setback requirements.

5. Private Animal Barns.

Shall be located no less than one hundred (100) feet from any residence, fifty (50) feet from any side lot line and located in the side or rear yard. Private Animal Barns shall not house more than four (4) animal units.

#### 6. Swimming Pools and Spas.

Private residential swimming pools and spas as defined in Article II shall be considered as structures for the purpose of permits and these regulations and shall conform to all required yard setback lines. All swimming pools and spas shall be suitably secured so as to prevent uncontrolled access. All in-ground pools and spas shall be secured by a fence not less than four (4) feet in height and not more than six (6) feet in height. Pool/spa fences shall be constructed to have no openings, holes, or gaps larger than 3 inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion. Above-ground pools and spas having vertical surfaces of at least 4 feet in height shall be required to have fences and gates only where access may be had to the pool/spa. The construction, plumbing and electrical requirements, inspections, and other safety facilities shall comply with all applicable county or state codes.

#### 7. Fences.

Fences may be permitted in any yard, or along the edge of any yard, provided that no fence in any front yard shall be taller than forty-eight (48) inches above the natural grade and that no fence in any side or rear yard shall be taller than seventy-two (72) inches. All fences shall be located out of right-of-way or utility easements.

#### 8. Porches, Decks and Patios.

- a. A porch is considered a part of the house and is structurally connected to the house. A porch has a roof and floor and must abide by the same setbacks as the house.
- b. A deck is a horizontal platform with the floor raised above the natural grade level. Decks are not enclosed by walls, nor do they have roofs and may or may not be structurally connected to the house. Decks must abide by the same setbacks as the house.
- c. A patio is a horizontal platform made of concrete, mortared brick, mortared stone, or other like construction. A patio with a footer or foundation is considered a structure requiring a permit and must abide by the same setbacks as the house. A patio consisting of pavers or stone placed on the surface of the ground without a footer or foundation does not require a permit.

9. Television Satellite Dishes.

Dishes larger than 28" in diameter shall be considered structures, requiring a permit and subject to sideline and rear setbacks applicable to the district. However, the dish shall not be located in the front yard. The area surrounding the dish shall be landscaped to minimize visual impact on the adjoining property owners and screening shall consist of dense evergreen shrubs placed to create a substantially opaque visual barrier. Landscaping shall be completed within one hundred eighty (180) days of installation of the satellite dish.

10. Signs. See Section 506 Sign Regulations

11. Solar Energy Panel/System. See Section 509 Alternative Energy Systems

12. Minimum of One Hundred (100) Acre Park or Recreational Use subject to:

- a. Passive uses allowed that do not involve:
  - i. the construction of any facilities or conversion of use of any existing buildings or structures.
  - ii. the use of motorized vehicles or other equipment, other than for maintenance or repair.
  - iii. events promoted or organized by outside interests for a fee, based use or activity such as foot or bike races, music festivals, art fairs, conferences, or conventions.
- b. Such uses shall be located on Major or Minor Collector roads or local roads that are not interior roads in a subdivision.
- c. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two minor arterial streets; or no closer than one hundred (100) feet from the intersection of a minor arterial and a collector street, or from the intersection of two collector streets.
- d. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- e. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- f. There shall be no more than one (1) identification sign identifying the ownership/use oriented to each abutting road; wayfinding signs placed on property interior are allowed.

- g. All equipment and/or material shall be stored within an enclosed building when not in use.
- h. The property shall be maintained in a neat, orderly condition and landscaped to be harmonious with surrounding uses.
- i. Facilities to accommodate parking, restrooms and traffic access must be provided as necessary for the proposed use.

## B. Conditionally Permitted Uses

### 1. Hunting Preserve subject to:

- a. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- b. All permitted installations shall be maintained in a neat, orderly condition to prevent injury to any single property, any individual, or to the community in general.
- c. Such uses should be conducted on a site of no less than twenty (20) acres.

### 2. Cemetery subject to:

- a. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- b. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.

### 3. Church and Other Buildings for the Purpose of Religious Worship subject to:

- a. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares nor no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- b. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- c. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- d. Such structure should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.

- e. All permitted installations shall be maintained in a neat, orderly condition to prevent injury to any single property, any individual or to the community in general.
4. Park or Recreational Use Under 100 acres, or having any of the following:
- a. the construction of any facilities or conversion of use of any existing buildings or structures.
  - b. the use of motorized vehicles or other equipment, other than for maintenance or repair.
  - c. events promoted or organized by outside interests for a fee-based use or activity such as foot or bike races, music festivals, art fairs, conferences or conventions.
  - d. paving of any area other than parking or foot trails (for accessibility).
  - e. uses that are active or not recreational in nature.
  - f. pole lighting over twenty-five (25) feet in height.

Subject to:

- a. Such uses shall be located on Major or Minor Collector roads or Local roads that are not interior roads in a subdivision.
- b. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two minor arterial streets; or no closer than one hundred (100) feet from the intersection of a minor arterial and a collector street, or from the intersection of two collector streets.
- c. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- d. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- e. There shall be no more than one (1) identification sign identifying the ownership/use oriented to each abutting road; wayfinding signs placed on property interior are allowed.
- f. All equipment and/or material shall be stored within an enclosed building when not in use.
- g. When the proposed use is adjacent to an existing residential use, buffering of buildings or other active-use areas shall be provided by a minimum setback of one hundred (100) feet and landscape & bufferyard area, as described in Section 420-4(H)6.
- h. The property shall be maintained in a neat, orderly condition and landscaped to be harmonious with surrounding uses.

- i. Facilities to accommodate parking, restrooms and traffic access must be provided as necessary for the proposed use.
- 6. Home Based Business subject to:
  - a. Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.
  - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - c. Such use shall be conducted only by persons residing in the dwelling unit.
  - d. There shall be no display or stock in trade nor commodities sold except those that are produced on the premises.
  - e. The use shall not involve the use of more than thirty-three and one-third (33-1/3) percent of the floor area of only one (1) story.
  - f. One (1) unlighted name plate not more than two (2) square feet in area announcing the name and home occupation shall be permitted.
  - g. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, excessive vehicular traffic or other causes.
  - h. Vehicular traffic shall be limited to no more than two (2) cars at any one time.
- 7. Fences and Walls subject to:
  - a. No fence or wall shall be built higher than eight (8) feet from the grade level.
  - b. Drawings showing fence location, property lines and other structures on the property shall be provided.
  - c. Such fences and/or walls shall not constitute a safety hazard to vehicular or pedestrian traffic.
  - d. Fences and/or walls shall be constructed in such a way as to maximize the surface area open to light and air while still allowing the structure to be functional.
- 8. Wind Energy Systems – See Section 509 Alternative Energy Systems
- 9. Outdoor Wood-Fired Boilers – See Section 509 Alternative Energy Systems

### **Section 401-3 Lot Requirements**

- A. Minimum Gross Lot Area Per Dwelling Unit – Five (5) acres. See Lot Area, Gross in Article II Definitions

- B. Minimum Lot Width – Three hundred (300) feet.
- C. Minimum Lot Frontage – Fifty (50) feet of frontage on a public dedicated road.

**Section 401-4 Yard Requirements**

- A. Minimum Front Yard Depth – One hundred (100) feet.
- B. Minimum Rear Yard Depth – Fifty (50) feet.
- C. Minimum Side Yard Width on Each Side – Twenty-Five (25) feet.

**Section 401-5 Maximum Building Height – Thirty-five (35) feet**

## **ARTICLE IV**

### **USE, AREA, HEIGHT REGULATIONS**

#### **Section 402 R-1 – RURAL RESIDENTIAL DISTRICT**

##### **Section 402-1 Purpose**

The purpose and intent of this district is to accommodate single family, residential development while protecting and preserving the rural character in which agriculture, woodlands, wetlands, and low density is predominant, regardless as to the availability of water systems and/or sewage disposal systems.

##### **Section 402-2 Uses**

###### **A. Permitted Uses**

###### **1. Single-Family Dwelling**

###### **2. Roadside Stands.**

Offering for sale agricultural products that are produced on the premises.

###### **3. Accessory Buildings.**

Permanent or temporary incidental to the principal use, such as Secondary Private Garages, Tool Sheds, Storage Buildings, Recreational Buildings, etc., and which do not include any activity conducted as business. These buildings must abide by all yard and setback requirements.

###### **4. Private Animal Barns.**

Shall be located no less than one hundred (100) feet from any residence, fifty (50) feet from any side lot line and be located in the side or rear yard. Private animal barns shall not house more than four (4) animal units.

###### **5. Swimming Pools and Spas.**

Private residential swimming pools and spas as defined in Article II shall be considered as structures for the purpose of permits and these regulations and shall conform to all required yard setback lines. All swimming pools and spas shall be suitably secured to prevent uncontrolled access. All in-ground pools and spas shall be secured by a fence not less than four (4) feet in height and not more than six (6) feet in height. Pool/spa fences shall be constructed to have no openings, holes, or gaps larger than 3 inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure. Doors and gates shall be equipped with



suitable locking devices to prevent unauthorized intrusion. Above-ground pools and spas having vertical surfaces of at least 4 feet in height shall be required to have fences and gates only where access may be had to the pool or spa. The construction, plumbing and electrical requirements, inspections, and other safety facilities shall comply with all applicable county or state codes.

6. Home Based Business subject to:

- a. Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.
- b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- c. Such use shall be conducted only by persons residing in the dwelling unit.
- d. There shall be no display nor stock in trade nor commodities sold except those that are produced on the premises.
- e. The use shall not involve the use of more than thirty-three and one-third percent (33-1/3%) of the floor area of only one (1) story.
- f. One (1) unlighted name plate not more than two (2) square feet in area announcing the name and home occupation shall be permitted.
- g. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, excessive vehicular traffic, or other causes.
- h. Vehicular traffic shall be limited to no more than two (2) cars at any one time.

7. Fences.

May be permitted in any yard, or along the edge of any yard, provided that no fence in any front yard shall be taller than forty-eight (48) inches above the natural grade and that no fence in any side or rear yard shall be taller than seventy-two (72) inches. All fences shall be located out of right-of-way or utility easements.

8. Porches, Decks and Patios

- a. A porch is considered a part of the house and is structurally connected to the house. A porch has a roof and floor and must abide by the same setbacks as the house.
- b. A deck is a horizontal platform structure with the floor raised above the natural grade level. Decks are not enclosed by walls, nor do they have roofs and may or may not be structurally connected to the dwelling. Decks must abide by the same setbacks as the house.

- c. A patio is a horizontal platform structure made of concrete, mortared brick, mortared stone, or other like construction. A patio with a footer or foundation is considered a structure requiring a permit and must abide by the same setbacks as the house. A patio consisting of pavers or stone placed on the surface of the ground without a footer or foundation does not require a permit.

#### 9. Television Satellite Dishes.

Larger than 28" in diameter shall be considered structures, requiring a permit and subject to sideline and rear setbacks applicable to the district. However, the dish shall not be located in the "front yard" area. The area surrounding the dish shall be landscaped to minimize visual impact on the adjoining property owners and screening shall consist of dense evergreen shrubs placed to create a substantially opaque visual barrier. Landscaping shall be completed within one hundred eighty (180) days of installation of the satellite dish.

#### 10. Signs – See Section 506 Sign Regulations

#### 11. Solar Energy Panel/System – See Section 509 Alternative Energy Systems

#### 12. Minimum of one hundred (100) acre park or recreation use subject to:

- a. Passive uses allowed that do not involve:
  - i. the construction of any facilities or conversion of use of any existing buildings or structures.
  - ii. the use of motorized vehicles or other equipment, other than for maintenance or repair.
  - iii. events promoted or organized by outside interests for a fee-based use or activity such as foot or bike races, music festivals, art fairs, conferences, or conventions.
- b. Such uses shall be located on Major or Minor Collector roads or Local roads that are not interior roads in a subdivision.
- c. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two minor arterial streets; or no closer than one hundred (100) feet from the intersection of a minor arterial and a collector street, or from the intersection of two collector streets.
- d. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- e. Loudspeakers that cause a hazard or annoyance shall not be permitted.

- f. There shall be no more than one (1) identification sign identifying the ownership/use oriented to each abutting road; wayfinding signs placed on property interior are allowed.
- g. All equipment and/or material shall be stored within an enclosed building when not in use.
- h. The property shall be maintained in a neat, orderly condition and landscaped to be harmonious with surrounding uses.
- i. Facilities to accommodate parking, restrooms and traffic access must be provided as necessary for the proposed use.

#### B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VII and to the specific requirements referred to below:

##### 1. Public, Parochial and Private Schools subject to:

- a. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- b. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- c. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- d. Elementary school structures should be located on a collector thoroughfare.
- e. Such uses should be properly landscaped to be harmonious with surrounding residential uses.

##### 2. Park or recreation use under 100 acres, having any of the following:

- a. The construction of any facilities or conversion of use of any existing buildings or structures.
- b. The use of motorized vehicles or other equipment, other than for maintenance or repair.
- c. Events promoted or organized by outside interests for a fee-based use or activity such as foot or bike races, music festivals, art fairs, conferences, or conventions.
- d. Paving of any area other than parking or foot trails (for accessibility).
- e. Uses that are active or not recreational in nature.

f. Pole lighting over twenty-five (25) feet in height,

Subject to:

- a. Such uses shall be located on Major or Minor Collector roads or Local roads that are not interior roads in a subdivision.
- b. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two minor arterial streets; or no closer than one hundred (100) feet from the intersection of a minor arterial and a collector street, or from the intersection of two collector streets.
- c. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- d. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- e. There shall be no more than one (1) identification sign identifying the ownership/use oriented to each abutting road; wayfinding signs placed on property interior are allowed.
- f. All equipment and/or material shall be stored within an enclosed building when not in use.
- g. When the proposed use is adjacent to an existing residential use, buffering of buildings or other active-use areas shall be provided by a minimum setback of one hundred (100) feet and landscape & bufferyard area, as described in Section 420-4(H)6.
- h. The property shall be maintained in a neat, orderly condition and landscaped to be harmonious with surrounding uses.
- i. Facilities to accommodate parking, restrooms and traffic access must be provided as necessary for the proposed use.

3. Governmentally owned and/or operated Park, Playground, or Golf Course subject to:

- a. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- b. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.

- c. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- d. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- e. Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- f. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- g. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.

4. Cemetery subject to:

- a. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- b. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.

5. Church and Other Buildings for the Purpose of Religious Worship subject to:

- a. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares nor no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- b. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- c. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- d. Such structure should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
- e. All permitted installations shall be maintained in a neat, orderly condition to prevent injury to any single property, any individual or to the community in general.

6. Strip Mining, Soil Removal, and Gravel Extraction Operations subject to the review and recommendation of the Ohio Department of Natural Resources and/or the Summit County Soil and Water Conservation Agency subject to:

- a. All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- b. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- c. Shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope. No sand or gravel shall be removed or stored, or overburden stored within one hundred (100) feet of any lot line not owned or controlled by the developer or operator of said business or his agent, nor shall such mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent thereto do not have adequate lateral support.
- d. No rehabilitated slope shall exceed an angle with the horizontal of forty-five (45) degrees.
- e. 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 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, banks and other previously disturbed land shall be graded and treated by adding ground cover and/or reforestation, as directed by the Department of Natural Resources or the Summit County Soil and Water Conservation Agency, to prevent erosion or any other potential deterioration. Such operations shall be conducted so as not to leave or cause to exist spoil banks.
- f. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community. All operations employing the use of explosives shall be subject to inspection by the Township but shall not constitute approval nor render the Township liable for damages. In this regard, the owner, lessee, their agents or such other persons as might have control or interest in such mineral extraction operations shall pay a reasonable cost of all Township inspections, if any be required, during said operations. The police and fire department shall be notified and on the scene prior to the use of any explosives.
- g. All permitted installations shall be maintained in a neat, orderly condition to prevent injury to any single property, any individual, or to the community in general.

- h. To guarantee the restoration, rehabilitation, and reclamation of mined-out area, every applicant granted a mining permit as herein provided, shall furnish a performance bond of two thousand (2,000) dollars per acre with a minimum bond of ten thousand (10,000) dollars to the Township of Richfield as a guarantee that such work will be done in a satisfactory manner. Bonding shall be by an approved bonding company.
- 7. Airports – Such uses should be located on a major thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 8. Fences and Walls subject to:
  - a. No fence or wall shall be built higher than eight (8) feet from grade level.
  - b. Drawings showing fence location and property lines and other structures on the property shall be provided.
  - c. Such fences and/or walls shall not constitute a safety hazard to vehicular or pedestrian traffic.
  - d. Fences and/or walls shall be constructed in such a way as to maximize the surface area open to light and air while still allowing the structure to be functional.
- 9. Governmentally owned and/or operated building or facility subject to:
  - a. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares nor no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
  - b. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
  - c. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial districts.
  - d. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- 10. Two-Family Dwelling subject to:
  - a. The attached dwelling unit is to be used to provide a separate dwelling unit for relatives of the family living in the primary dwelling unit or,
  - b. To provide living quarters for the use of persons employed on the premises or,

- c. To provide temporary quarters for guests of the family living in the primary dwelling.
- d. The second dwelling shall not be used as a rental property.
- e. The second dwelling unit shall contain a minimum of 550 square feet.

11. Wind Energy Systems – See Section 509 Alternative Energy Systems

12. Outdoor Wood-Fired Boilers – See Section 509 Alternative Energy Systems

### **Section 402-3 Lot Requirements**

- A. Minimum Net Lot Area Per Dwelling Unit – Two (2) acres. (See Lot Area, Net in Article II Definitions)
- B. Minimum Lot Width – Two hundred (200) feet.
- C. Minimum Lot Frontage – Fifty (50) feet of frontage on a public dedicated road

### **Section 402-4 Yard Requirements**

- A. Minimum Front Yard Depth – Eighty-five (85) feet.
- B. Minimum Rear Yard Depth – Sixty (60) feet.
- C. Minimum Side Yard Width on Each Side – Twenty (20) feet for the principal use building, forty (40) feet for accessory buildings.

**Section 402-5 Maximum Building Height** – Thirty-five (35) feet.

**Section 402-6 Off-Street Parking** – As regulated by Article V hereof.



## **ARTICLE IV**

### **USE, AREA, HEIGHT REGULATIONS**

#### **405 R-4 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT**

##### **Section 405-1 Purpose**

It is the intent of these regulations to provide for unified sites, the employment of creative and imaginative planning and land development techniques that are in the best interests of Richfield Township. In order to accomplish this intent, it is the purpose of these regulations (1) to permit, in a Planned Residential Development District, a variety of dwelling types, including single-family, two-family and multi-family dwellings at a maximum overall density of one unit per acre; (2) to permit the flexible spacing of lots and buildings in order to encourage (a) the separation of pedestrian and vehicular circulation, (b) the conservation of natural amenities of the landscape, (c) the provision of readily accessible Open Space, (d) the creation of functionally interesting residential areas, and (e) the provision of a necessary complement of community facilities; (3) to provide for proper and safe access to abutting highways for the public and for public safety and other services; and (4) to provide for the management of the impacts of storm water upon the district and the surrounding area.

##### **Section 405-2 Qualifying Conditions**

###### **A. Development Area:**

1. Minimum area for development: A Planned Residential Development shall contain a minimum of fifty (50) acres. All land within the development shall be contiguous in that it shall not be divided into segments by (1) any limited access highway, and (2) any tract of land (other than streets or rights-of-way for pipeline or electric transmission lines) not under ownership of the Developer of the existing Planned Residential Development.
2. Additions to site area: Subject to Township approval, contiguous property of any size may be added to a Planned Residential Development at any time, after a final development plan has been approved or after construction of the development has been initiated or completed in phases or in its entirety provided:
  - a. That the contiguous property has received Richfield Township approval for rezoning to an R-4 Planned Residential Development District, and
  - b. That the contiguous property is under the Single Control of the Developer of the original Planned Residential Development.

B. Public Utilities.

No Planned Residential Development shall be permitted except where public water and sanitary sewer facilities are used for all dwelling units.

C. Single Control.

At the time of application and throughout the development period, all land included in the Planned Residential Development must be under the single control of the Developer except for any portions of the development which are finished during phased construction and transferred to private ownership in accordance with the requirements of this Article.

**Section 405-3 Use Regulations**

A. Principal Permitted Uses:

1. Single-family detached dwellings such that there shall be a restriction of one single-family unit per lot.
2. Cluster Phase:
  - a. Attached or detached single-family dwellings.
  - b. Two-family, multi family, or any other type of combined housing units up to four units.
  - c. Open Space within each Cluster Phase to be a minimum of twenty-five (25) percent of that Cluster Phase area.
  - d. Enclosed parking and/or structures or buildings must be attached to the principal residential dwelling.
3. Public and private open space, forest and wildlife reservations or similar conservation projects.
4. Accessory Buildings or Structures.

Permanent or temporary, incidental to the principal use which do not include any activity conducted as a business must abide by all yard and setback requirements. No more than two (2) accessory buildings are permitted per single-family lot. Cluster Phase building envelopes may not contain accessory buildings or structures.

5. Swimming Pools and Spas.

Private residential swimming pools and spas as defined in Article II shall be considered as structures for the purpose of permits and these regulations and shall conform to all required yard setback lines. All

swimming pools and spas shall be suitably secured to prevent uncontrolled access. All in-ground pools and spas shall be secured by a fence not less than four (4) feet in height and not more than six (6) feet in height. Pool/spa fences shall be constructed to have no openings, holes, or gaps larger than 3 inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion. Above-ground pools and spas having vertical surfaces of at least 4 feet in height shall be required to have fences and gates only where access may be had to the pool or spa. The construction, plumbing and electrical requirements, inspections, and other safety facilities shall comply with all applicable county or state codes. Swimming pools within Cluster Phases are permissible only in accordance with Section 405-3-E of these regulations.

6. Home Based Business subject to:

- a. Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.
- b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- c. Such use shall be conducted only by persons residing in the dwelling unit.
- d. There shall be no display or stock in trade nor commodities sold except those that are produced on the premises.
- e. The use shall not involve the use of more than thirty-three and one-third percent ( $33\frac{1}{3}\%$ ) of the floor area of only one (1) story.
- f. One (1) unlighted nameplate not more than two (2) square feet in area announcing the name and home occupation shall be permitted.
- g. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, excessive vehicular traffic, or other causes.
- h. Vehicular traffic shall be limited to no more than two (2) cars at any one time.

7. Fences.

May be permitted in any yard, or along the edge of any yard, provided that no fence in any front yard shall be taller than forty-eight (48) inches above the natural grade and that no fence in any side or rear yard shall be taller than seventy-two (72) inches. All fences shall be located out of right-of-way or utility easements. Fences within cluster phases are permissible only in accordance with Section 405-3(E)2 of these regulations.

8. Television Satellite Dishes.

Larger than twenty-eight inches (28") in diameter shall be considered structures, requiring a permit and subject to sideline and rear setbacks applicable to single-family lots within the district. Television satellite dishes shall not be located in the front yard. The area surrounding the dish shall be landscaped to minimize visual impact on the adjoining property owners and screening shall consist of dense evergreen shrubs placed to create a substantially opaque visual barrier. Landscaping shall be completed within one hundred eighty (180) days of installation of the satellite dish. Television Satellite Dishes larger than twenty-eight inches (28") in diameter are not permitted within the Cluster Phases.

9. Signs. See Section 506 Sign Regulations.

10. Porches, Decks, and Patios.

- a. Porches and Decks must abide by the same setback requirements as the dwelling. Decks located on privately owned cluster lots shall be structurally connected to the dwelling.
- b. A Patio with a footer or foundation is considered a structure requiring a permit and must abide by the same setbacks as the dwelling. A patio consisting of pavers, stone or concrete placed on the surface of the ground without a footer or foundation does not require a permit.

11. Solar Energy Panel/System

12. Minimum of one hundred (100) acre park or recreation use subject to:

- a. Passive uses allowed that do not involve:
  - i. the construction of any facilities or conversion of use of any existing buildings or structures,
  - ii. the use of motorized vehicles or other equipment, other than for maintenance or repair,
  - iii. events promoted or organized by outside interests for a fee-based use or activity such as foot or bike races, music festivals, art fairs, conferences, or conventions.
- b. Such uses shall be located on Major or Minor Collector roads or Local roads that are not interior roads in a subdivision.
- c. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two minor arterial streets; or no closer than one hundred (100) feet from the intersection of a minor arterial and a collector street, or from the intersection of two collector streets.

- d. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- e. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- f. There shall be no more than one (1) identification sign identifying the ownership/use oriented to each abutting road; wayfinding signs placed on property interior are allowed.
- g. All equipment and/or material shall be stored within an enclosed building when not in use.
- h. The property shall be maintained in a neat, orderly condition and landscaped to be harmonious with surrounding uses.
- i. Facilities to accommodate parking, restrooms and traffic access must be provided as necessary for the proposed use.

#### B. Area Regulations for Non-Cluster-Phase Single-family Lot Phases

- 1. Front Yard: There shall be a front yard having a depth of not less than sixty (60) feet from the street right-of-way.
- 2. Side Yard: There shall be a side yard on each side of the building having a width of not less than twenty (20) feet.
- 3. Rear Yard: There shall be a rear yard having a depth of not less than sixty (60) feet.
- 4. Double Frontage: Where lots have a double frontage, the required front yard shall be provided on both streets.
- 5. Corner Lots: Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot. No accessory building or structure shall project beyond the front yard on either street.
- 6. Minimum Lot Width: Every single-family lot shall have a minimum lot width of one hundred and ten (110) feet at the front line of the building.
- 7. Minimum Lot Frontage: Every single-family lot shall have a minimum frontage of thirty (30) feet onto a public street.
- 8. Minimum Lot Area: Every single-family lot shall have a minimum Gross Lot Area of one (1) acre, except as herein provided in Section 405-3(E)3.

#### C. Area Regulations for Cluster Phase Dwellings.

Cluster Phases may have dwelling units situated more densely than those in the single-family lot areas promote the development of open space both within the Cluster Phase and within the development as a whole. The visual impact of this increased density shall be mitigated by creation of a unified Cluster Phase through consideration of thoughtful cluster unit site location, cohesive architectural design, use of similar building materials, landscaping design and open terrain that is visually unencumbered by non-dwelling structures. Cluster Phases shall be designed to be integrated within the development as a whole and should complement dwellings in the single-family areas in terms of housing style, type of building materials used and landscaping design.

1. The maximum net density within a Cluster Phase shall be four (4) units per acre.
2. The minimum distance between unattached principal structures shall be ten (10) feet.
3. For Cluster Phase residences, there shall be a minimum setback distance of twenty (20) feet between any portion of the structure and the edge of the private road curb and/or pavement.
4. No structure shall be located closer than sixty (60) feet to any public road right-of-way.
5. Groupings of dwelling units into Cluster Phases shall meet the following criteria:
  - a. A maximum of fifty percent (50%) of all dwelling units in the development can be in Cluster Phases.
  - b. A maximum of twenty-five percent (25%) of all dwelling units can be in one Cluster Phase.
  - c. Cluster Phases shall be developed in accordance with the provisions of Section 405-3 and shall not be less than five hundred (500) feet apart.

D. Height Regulations: No structure shall exceed 35 feet (2 ½ stories) in height.

E. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VII and to the specific requirements referred to below:

1. Swimming Pools, Playgrounds, Pavilions, Gazebos, and other structures for common use.

- a. Site locations are preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- b. All permitted installations shall be maintained in a neat, orderly condition to prevent injury to any single property, any individual, or to the community in general.
- c. Such uses shall not be conducted on property counted in the open space area calculation.
- d. Such uses shall not constitute nuisance elements or interfere with the use or enjoyment of property.

## 2. Fences, Walls, and Hedges within Cluster Phases

- a. Fences, Walls and Hedges may be located within Cluster Phases on common space or within or along the edge of privately-owned cluster lots.
- b. Necessity of creating a barrier for safety-related issues shall be the predominant factor in evaluating whether a fence, wall or hedge is necessary and reasonable.
- c. Fences shall be no higher than forty-eight (48) inches above grade with at least fifty percent (50%) of the surface open to light and air.
- d. Walls and hedges shall be no higher than thirty (30) inches above grade.
- e. The design of a fence, wall or hedge shall complement the architectural style and building materials of cluster dwellings within the Cluster Phase.
- f. The design and placement of a fence, wall or hedge shall not negatively impact the effort to maintain visual integration within the Cluster Phase and between the Cluster Phase and other areas of the development.

## 3. Single-family lots of less than one (1) acre but not less than three-quarters (3/4) of one acre, provided that:

- a. Due to topographic constraints, a reduction from the minimum one (1) acre requirement is necessary.
- b. The number of single-family lots of less than one (1) acre gross lot area may not exceed 15% of the total of single-family lots for the entire development.

## 4. Single-family lot front yard minimum building setback requirement of sixty (60) feet from the street right-of-way may be reduced by a maximum of up to ten (10) feet, provided that:

- a. The request is made due to topographic constraints or to preserve significant natural features of the landscape.
  - b. In no case shall the number of single-family lots where the front yard building setback waiver is used exceed twenty-five percent (25%) of the total number of existing single-family lots for the entire development.
  - c. Under no circumstances shall the front yard building setback for these specified waiver lots have a depth of less than fifty (50) feet from the street right-of-way.
  - d. The Zoning Resolution requires both due diligence and restraint be exercised by the developer when determining the setback waiver to ensure that such waiver is the least amount of deviation possible from the sixty (60) foot front yard building setback.
  - e. All building setback waivers granted under the specific requirements of this Section and by variances granted under Section 901-7 will be counted against the total number of setback waivers permitted under Section 405-3(E)4b, even if not yet utilized.
5. Increase in Ratio of Cluster Units to Total Units, provided that:
  - a. The total project density shall never exceed one unit per acre,
  - b. The maximum number of Cluster Units shall never exceed sixty percent (60%) of the total dwelling units in the development.
  - c. The Open Space is substantially greater than the minimum required, especially when such additional open space will result in the preservation of important natural resources.
6. Wind Energy Systems – See Section 509 Alternative Energy Systems
7. Outdoor Wood-Fired Boilers – See Section 509 Alternative Energy Systems
8. Park or recreation use under 100 acres, having any of the following:
  - a. The construction of any facilities or conversion of use of any existing buildings or structures,
  - b. The use of motorized vehicles or other equipment, other than for maintenance or repair,
  - c. Events promoted or organized by outside interests for a fee-based use or activity such as foot or bike races, music festivals, art fairs, conferences, or conventions,
  - d. Paving of any area other than parking or foot trails (for accessibility),
  - e. Uses that are active or not recreational in nature,



- f. Pole lighting over twenty-five (25) feet in height.

Subject to:

- a. Such uses shall be located on major or minor collector roads or local roads that are not interior roads in a subdivision.
- b. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two minor arterial streets; or no closer than one hundred (100) feet from the intersection of a minor arterial and a collector street, or from the intersection of two collector streets.
- c. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- d. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- e. There shall be no more than one (1) identification sign identifying the ownership/use oriented to each abutting road; wayfinding signs placed on property interior are allowed.
- f. All equipment and/or material shall be stored within an enclosed building when not in use.
- g. When the proposed use is adjacent to an existing residential use, buffering of buildings or other active-use areas shall be provided by a minimum setback of one hundred (100) feet and landscape & bufferyard area, as described in Section 420-4(H)6.
- h. The property shall be maintained in a neat, orderly condition and landscaped to be harmonious with surrounding uses.
- i. Facilities to accommodate parking, restrooms and traffic access must be provided as necessary for the proposed use.

## **Section 405-4 Required Open Space**

### **A. Minimum Amount**

The Planned Residential Development Plan shall contain area to be allocated for Open Space in accordance with the following requirements:

A minimum of twenty-five percent (25%) of the total site area of the proposed Planned Residential Development shall be set aside and be dedicated to an approved agency as Open Space in compliance with the conditions attached to the approved Site Development Plan.

### **B. Designation of Common Areas and Required Open Space**

An Open Space Plan shall be submitted as part of the application for a Planned Residential Development District. This plan shall designate and indicate the boundaries of all Common Areas. The plan shall:

1. Designate areas to be reserved as Common Areas by clearly delineating their boundaries within the development plan.
2. Designate areas to be preserved as Open Space by clearly delineating their boundaries within the development plan.
3. Designate the amount of Open Space for each area delineated and show the total for all required Open Space in the development.

#### C. Design, Character, and Quality of Open Space

1. Land that is required to remain as Open Space may be used for buffer yard, resource protection, amenity and other purposes specified in this Section. Open Space land shall not be occupied by buildings, roads, privately owned or enclosed yards or parking areas.
2. At least thirty percent (30%) of such required Open Space areas shall be contiguous and be exclusive of all streets, single-family lots, parking areas and sidewalks. Footpaths, bicycle paths and bridle trails of appropriate width and design may be included in the calculation.
3. Open Space areas shall be physically situated to be readily accessible, available to and usable by any resident of the Planned Residential Development.
4. The Planned Residential Development shall make appropriate provisions for the preservation of streams and stream banks, woodland areas, hillsides, and other similar natural resource areas in the project site. All areas shall be developed in accordance with applicable Township or County regulations for riparian areas.
5. The usage types of Open Space that shall satisfy the requirements of the Planned Residential Development District are as follows:
  - a. Natural areas including areas of undisturbed vegetation or areas replanted with vegetation after construction. Natural watercourses are to be preserved as free flowing and devoid of debris.
  - b. Garden plots consisting of the division of open space into plots for cultivation as gardens by residents.
  - c. Linear greenways linking residential areas with other Common Space areas. These greenways may contain bicycle paths, footpaths, and bridle trails. Connecting greenways between residences and recreational areas are encouraged.
  - d. Open areas consisting of grass or natural meadows with or without trees and plantings.

#### 6. Minimum Size of Open Space Areas

All Open Space shall be large enough to be usable open space. The minimum width dimension for usable open space shall be ten (10) feet and the minimum area shall be one (1) acre.

7. Open Space within Cluster Phases may be designated as Open Space and counted as part of the requirements of Section 405-4(A) of these regulations.

#### 8. Conveyance and Maintenance of Open Space

- a. Land designated as Open Space shall be undeveloped.
- b. All Open Space as shown on the Final Development Plat for Summit County and as recorded in the Offices of the County Recorder, shall be conveyed by conveying title (including beneficial ownership) to a homeowner's association. The terms of such instrument of conveyance shall include provisions suitable for assuring: (i) the continued use of such land for the intended purposes; (ii) continuity of proper maintenance; (iii) when appropriate, the availability of funds required for such maintenance; and (iv) adequate insurance protection.
- c. At the time the approved Final Subdivision Plat is filed, the property owner or developer must file with the office of the County Recorder the necessary legal documents which will produce the aforesaid guarantees, and in particular, will provide a method for restricting the use of Open Space for the designated purposes such as through an appropriate perpetual restrictive covenant, which shall run with the land, or a conservation easement which shall be held by a land trust. Ownership of the property is to remain with the homeowner's association.

### **Section 405-5 Standards and Guidelines**

The applicant for a Planned Residential Development District shall demonstrate that the Site Development Plan meets the following standards:

#### A. General

The plan shall reflect all Township goals and policies affecting the site as herein set forth.

#### B. Site Planning/Open Space

1. To the extent possible, the natural topographic and significant landscape and/or historical features of the site shall be incorporated into the Site Development Plan to preserve the site's natural resources and existing character and to enhance its visual character.
2. Where appropriate, the design of Open Space should incorporate plant materials to define space, providing screenings and privacy, define views, serve as focal points, and soften views of buildings and pavements.

#### C. Drainage

Drainage shall be designed and constructed to not detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants and protection of dwellings, other development, and usable lot areas from water damage, flooding, and erosion.

#### D. Natural Resource Protection

The resource protection standards are intended to preserve valuable and unique site natural resources which contribute to the ecological well-being and character of the community and to prevent damage to the environment and the public health, safety and welfare that may result from loss of vegetation, hillside slippage, flooding, erosion, or inappropriate site development. The Site Development Plan shall identify the natural resources present at the subject site, the limitations they pose to development, and the required resource protection areas not to be built upon, altered, or disturbed by development. All resource protection areas identified on the subject site shall be properly noted and may be designated as permanent open space and be made an integral part of the required Open Space in accordance with the provisions of this Article. The types of on-site natural resources that shall be identified and protected are as follows:

##### 1. Flood Plains:

The 100-year flood plain and areas of special flood hazards as identified by the Federal Emergency Management Agency, and in accordance with all applicable Federal, State and County regulations.

##### 2. Water Courses:

With respect to natural streams, ravines and drainage ways that may or may not have been identified in the Federal Emergency Management Agency Maps, any alterations of these site resources shall meet the provisions of appropriate Federal, State and County regulations. Applicable Township and County regulations for riparian area development shall be followed to provide additional protection to riparian

areas by 1) locating all structures a minimum appropriate distance from such watercourses and 2) design of an improvement plan that provides for public and private streets, footpaths, bicycle paths and bridle trails to have the least possible impact on watercourses.

### 3. Wetlands:

On-site wetland areas must be identified on the Site Development Plan and their general boundaries delineated and left as required by law.

### 4. Steep Slopes:

Site areas where the land surface is inclined from the horizontal plane twenty percent (20%) or greater are normally characterized by increased runoff, erosion, sedimentation, and slippage hazards if disturbed by construction activities and may be identified as steep slopes. To prevent slippage, loss of vegetation and erosion, the majority of steep slope areas should remain undeveloped and not be disturbed through the stripping of vegetation or grading, and be made part of the open space system in accordance with the following:

- a. Steep Slopes of 20% to 30%: Seventy percent (70%) of such resource protection areas should remain undisturbed.
- b. Steep Slopes of greater than 30%: Eighty-five percent (85%) of such resource protection areas should remain undisturbed.

Development of steep slopes should be done with caution. Excavation and alteration of the ground should be minimized. When steep slopes are being proposed for development, specific performance standards may be applied to the development to mitigate impacts.

## E. Circulation

1. The street, access and parking system shall provide for the smooth, safe, convenient, and functional movement of vehicles and pedestrians both on and off site.
2. Circulation shall:
  - a. Minimize the conflict between pedestrian and vehicular traffic and,
  - b. Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.
3. Vehicular Access

- a. Acceleration, deceleration and/or left turn lanes may be required if necessary to preserve safety and/or traffic-carrying capacity of the existing street.
- b. A traffic impact study may be required.

#### 4. Local Streets

Interior residential streets, public and private, shall be constructed in accordance with the Summit County Engineer's specifications for dedicated residential and/or township roads that are in effect at the time of road construction.

#### 5. Collector Streets and Thoroughfares

There shall be no direct access from single-family residential lots to a major thoroughfare, and direct access from single-family lots to collector streets shall be kept to a minimum.

### F. Off-Street Parking

1. For housing units in Cluster Phases in accordance with 405-3(A)&(C), in addition to the minimum required enclosed parking spaces (Article V, 501-1(A), and in addition to any private or shared driveway parking area, there shall be common, Cluster Phase guest parking. The parking areas shall be provided for shared use by residents and guests within the Cluster Phase and designated as such areas, located to be conveniently accessible to the housing units. The minimum amount of such required additional guest parking shall be computed based on one half (1/2) parking space for each dwelling unit. Cluster Phases shall have the required parking area delineated and constructed in each phase, as developed and constructed.
2. Common areas for recreational use, such as tennis courts, swimming pools, ball fields, walking trails, bicycle paths, bridle trails, picnic areas and shelters and playgrounds shall have parking spaces provided to provide for accessibility to the use. The minimum number of spaces specifically designated for each amenity shall be two, with a greater number required for those that may have a higher use, as determined during a required Conditional Use Hearing, under Section 405-3(E)1. Amenities that are in close proximity to one another may share parking areas, if deemed appropriate during a Conditional Use Hearing.
3. All parking spaces and drives shall be constructed in accordance with the applicable Township or County regulations.

### G. Pedestrian Circulation

Pedestrian paths shall be constructed and located to provide a convenient, safe, and visible pedestrian path between parking areas and building entrances. Whenever a pedestrian path or a bike path traverses a parking area or street, a safe and efficient pedestrian system shall be clearly designated.

#### H. Screening and Buffering

1. Natural screening areas of planting or mounding shall be provided for the purpose of minimizing incompatibility between adjacent land uses and improving the aesthetic and functional quality of new development.
2. Where vegetation and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided provision is made for maintenance of such areas.

#### I. Utilities

All service utilities as far as feasible shall be installed underground.

#### J. Perimeter Requirements

Topographic or other barriers shall be provided to assure adequate privacy for existing uses adjacent to the Planned Residential Development. The following requirements shall also apply:

1. Structures and parking areas located on the perimeter of the Planned Residential Development shall be set back by a distance sufficient to afford privacy and buffering, fifty (50) feet for parking, fifty (50) feet for single-family residences or other structures and one hundred and fifty (150) feet for cluster phase structures.
2. Structures located on the perimeter of the Planned Residential Development shall be screened by landscaping and/or mounding in a manner that is sufficient to protect the privacy and amenity of adjacent existing uses.
3. Any proposed development along the sides of major community thoroughfares of significant visual character shall make every effort to maintain the landscape features and views of local, historic, or natural interest along the road.

### **Section 405-6 Site Plan Review Procedures**

Zoning Certificates for the R-4 District shall be issued only after completion of the Site Development Plan review and approval by the Zoning Inspector.

A. Site Development Plan Review Conference:

1. Attend a Site Development Plan Review Conference with the Zoning Inspector. The Site Development Plan Review Conference is intended to facilitate the filing and consideration of a complete application.
2. Submit the required Site Development Plan Review Fee in accordance with the Fee Schedule; and
3. Submit a Site Development Plan Review Application and five (5) copies of the Preliminary Site Review Plan.

The following information shall be submitted as part of the application requirements to evaluate the impact of the proposed development with respect to existing infrastructure and/or the health, safety, and morals of the residents of the Township:

- a. A Site Development Plan shall be filed with the Zoning Inspector together with a narrative summary of the development objectives completely reviewing the opportunities and limitations to development, and the facts, and accompanied by any studies supporting the proposed development.
- b. The Site Development Plan shall be drawn at an appropriate scale to allow for a thorough review, and shall include the following information:
  - 1) All property lines, shape, and dimensions of the property to be built upon showing directional bearings and distances, adjacent streets, and location with reference to identifiable street intersections, and a list of the names and addresses of the owners of all properties contiguous to the subject site.
  - 2) Name of development, legal description of property, north arrow, scale, acreage, name and address of recorded owner and engineer.
  - 3) Vicinity map locating the subject property in Richfield Township. Both the vicinity map and the Site Development Plan shall be oriented with parallel north arrows.
  - 4) The total lot area of the property.



- 5) All public and private rights-of-way and easement lines located on or adjacent to property which are proposed to be continued, created, enlarged, relocated, or abandoned.
- 6) Existing topography, and delineation of any topographical changes shown by contour with appropriate intervals to permit accurate review.
- 7) Any locations, modifications, changes, and additions to existing building(s), including floor area, heights and setbacks.
- 8) Delineation of all Open Space and Common Areas as per Section 405-4 requirements.
- 9) Delineation of all existing and proposed residential uses in the project, including but not limited to, the following:
  - i. A statement indicating net density of total project and,
  - ii. Existing Housing-Location and number of lots, including lot sizes and dimensions, setbacks, and indication of height of buildings.
- 10) Location of any necessary proposed pedestrian walkways, identifying approximate dimensions.
- 11) Location of proposed public and private streets including rights-of-way or utility easement widths.
- 12) Proposed location of all existing and planned water, sanitary sewer and storm drainage lines.
- 13) Limits of existing flood hazard areas within the property as defined by the Flood Insurance Rate Maps (F.I.R.M.) accurately showing the limits of building encroachments and earth fill within this area, with 100-year water surface elevations and proposed finished floor elevations denoted.
- 14) Summit County Riparian Ordinance setbacks and delineation of wetland areas as per Section 405-5(D)3 herein.
- 15) A schedule of development, including the staging and phasing of:
  - i. Conventional single-family development.

- ii. Cluster Phase housing development.
  - iii. Other public or common facility improvements
  - iv. Open space and dedication of land to public use or set aside for common ownership.
- 16) Locations of all well heads and tank batteries on the property and whether they will be retained, capped, or removed.
  - 17) Date of the current submission.
  - 18) Submission dates of all previously approved plans.
  - 19) Number of single-family lots approved to be less than one acre.
  - 20) Number of single-family lots approved for less than the required sixty (60) foot minimum front setback.
  - 21) Additional information or engineering data, in such form and content as necessary, to determine that the Site Development Plan meets the standards of this Article and other requirements of the Zoning Resolution for Richfield Township and of other public agencies in Summit County.
  - 22) The Zoning Inspector may call upon public and/or private consultants as necessary to provide review of the project.

#### B. Site Plan Review

When the Zoning Inspector deems the Site Development Plan application to be complete, a Site Development Plan will be forwarded to the following agencies for their review and comment:

- a. Richfield Township Road & Service Department
- b. Richfield Fire Department
- c. Richfield Police Department
- d. Any other expert or consultant chosen by the Zoning Inspector.

The comments from the above listed agencies and/or experts shall be reviewed by the Zoning Inspector prior to the decision. Any Conditional Uses or Variances that will be required for the Site Development Plan to be developed as proposed must be approved prior to the Zoning Inspector's Approval. Application for such Conditional Use or Variance, if needed, shall be made separately with the Richfield Township Board of Zoning Appeals, with payment of all appropriate fees.

## **Section 405-7 Site Development Plan**

The Site Development Plan for the entire property must be phased. The entire District shall be developed strictly in accordance with the Site Development Plan and the Zoning Inspector shall not issue zoning certificates for such development unless:

- A. The proposed construction is in accordance with such Site Development Plan or,
- B. Revisions of the Site Development Plan have been approved by the Zoning Inspector. In considering any such revision request the Zoning Inspector shall notify all agencies named in Section 405-6(B) of these regulations and obtain their comments. When granting revisions to the Site Development Plan the Zoning Inspector shall review all points contained in Section 405-6, Site Plan Review Procedures. The Zoning Inspector cannot grant variances or conditional uses from the text as part of this revision process. Revisions to the Site Development Plan may be granted on a phase-by-phase basis provided that all requirements of Section 405-6 Site Plan Review Procedures are met for each phase.

## **ARTICLE IV**

### **USE, AREA, HEIGHT REGULATIONS**

#### **Section 410 C - COMMERCIAL DISTRICT**

##### **Section 410-1 Purpose**

This district is established to provide for a variety of uses: 1. to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. 2. to provide for uses which are compatible with highway travel and 3. to provide for uses which are compatible with regional development suitable for areas in proximity to regional and interstate highways. It is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic. Such uses should be compatible with the development of the surrounding area and not detrimental thereto. Where possible, access roads with controlled egress and ingress to regional and interstate highways should be encouraged.

##### **Section 410-2 Uses**

###### **A. Permitted Uses.**

1. Solar Energy Panel/System – See Section 509 Alternative Energy Systems

###### **B. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VII and to the specific requirements referred to below:

1. Wind Energy Systems - See Section 509 Alternative Energy Systems
2. Personal and medical/dental services,
3. Business and professional offices and services,
4. Retail services, excluding supermarkets,
5. Churches and other buildings for the purpose of religious worship,
6. Private or public schools,
7. Day care or adult care,
8. Financial services,
9. Bed and breakfast,
10. Restaurants,
11. Research/testing/laboratories,
12. Fitness and recreational uses,
13. Governmentally owned and/or operated buildings and facilities,

14. Automobile and equipment service stations,
15. Commercial Nurseries and wholesale garden centers.

Conditionally Permitted Uses 2-15 subject to the following conditions:

- a. All structures and activity areas should be located at least one hundred (100) feet from all adjacent non-commercial property lines.
- b. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- c. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- d. There shall be no more than one (1) sign or advertisement oriented to each abutting road identifying the activity.
- e. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- f. Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- g. Such uses should be properly landscaped to be harmonious with surrounding uses and all property lines that adjoin a residential use or district shall be screened with a bufferyard that is the equivalent or exceeds screening provided by Section 420-4(H)6&8 Bufferyard "D" and any other buffer requirements including bufferwall requirements.
- h. All storage of non-living material shall be within an enclosed building.
- i. All vehicle, equipment and materials storage, maintenance and repair shall be within an enclosed building.
- j. No parking of vehicles shall be allowed in aisles, driveways, or road rights-of-way.
- k. Buffering with mounding and or fencing shall be required for non-enclosed areas as necessary to shield adjacent and nearby uses from noise, dust, light caused by operations at the site and to lessen visibility of activity at the site.

### **Section 410-3 Lot Requirements**

- A. Minimum Gross Lot Area – Forty thousand (40,000) square feet. (See Lot Area, Gross in Article II Definitions).
- B. Minimum Lot Width – One hundred (100) feet plus additional side yard when applicable under Section 410-4(B).

C. Minimum Lot Frontage – One hundred (100) feet on a public dedicated road.

#### **Section 410-4 Yard Requirements**

A. Minimum Front Yard Depth – One hundred (100) feet.

B. Minimum Side Yard Width – Two hundred (200) feet when adjacent to a residential district and on the side adjacent to the residential district only. No side yard is required when commercial property abuts other commercially zoned property.

C. Minimum Rear Yard Depth – One hundred (100) feet. Two hundred (200) feet when abutting a residential district.

D. Landscape Strip

1. A strip 50 feet wide immediately adjacent to the road right of way and running the width of the lot (except for vehicular entrances and exits) shall be planted, landscaped, and maintained in a neat and orderly fashion. No other uses shall be permitted on this strip.

2. A strip 50 feet wide adjacent to any property line bordering on a residential district shall run the full width and/or length of the lot and shall be planted, landscaped, and maintained in a neat and orderly fashion. No other uses shall be permitted on this strip.

#### **Section 410-5 Maximum Building Height**

No structure shall exceed thirty-five (35) feet in height.

#### **Section 410-6 Parking and Loading Requirements**

As regulated by Article V hereof, with the following exception:

Parking may be permitted in the required front yard depth provided it does not infringe on the required front yard landscape strip.

## **ARTICLE IV**

### **Section 420 LI-O LIGHT INDUSTRIAL - OFFICE DISTRICT**

#### **Section 420-1 Purpose**

The purpose of the Light Industrial-Office District regulations is to create a light industrial employment center intended to attract a diversity of employment opportunities and high-quality buildings, facilities and uses that will enhance the tax base of the Township while minimizing the impact on the adjacent residential districts. The Light Industrial-Office District regulations reflect the intent to require light industrially related uses to have access to major arterial roadways to minimize impact on local roads. Permitted uses encourage the development of large-scale office, light industrial and business parks built of quality architectural grade finish materials with long term, low maintenance characteristics.

The district is adjacent to residential districts and contains significant sensitive environmental areas, in particular wetlands and streams that are part of the Columbia Run system of the Cuyahoga Valley National Park. The district regulations thus require all new development uses and locations to be sited in consideration of these environmentally sensitive areas and, to the maximum extent feasible, leave such areas as natural, open spaces.

#### **Section 420-2 Use Regulations**

All uses not specifically identified as permitted or conditionally permitted are prohibited. All uses cited in Section 420-8 are also prohibited.

##### **A. Principal Permitted Uses**

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures. The uses cited in Section 420-8 are wholly excluded.

1. Commercial/Retail Uses, as specifically set forth are permitted as follows, if conducted entirely within an enclosed building.
  - a. Banks or other financial institutions subject to the conditions set forth in Section 420-2(E).
  - b. Commercial nurseries and wholesale garden centers.
  - c. Medical clinics.
  - d. Business and professional offices not located in a business park.
  - e. Recording, radio or television studios.
  - f. Restaurants subject to the conditions set forth in Section 420-2(E).

- g. Retail uses subject to the conditions set forth in Section 420-2(E).
- h. Business, personal, or non-vehicle repair services.
- i. Showrooms and salesrooms for wholesale distribution.
- j. Wholesale trade.

2. Light Industrial Uses, as specifically set forth are permitted as follows if conducted entirely within an enclosed building.

- a. Light Industrial uses including manufacturing, processing, assembly and packaging of materials and goods into products. The uses cited in Section 420-8 are wholly excluded.
- b. Research laboratories including:
  - (i) Research in all the sciences
  - (ii) Product testing and development
  - (iii) Product engineering development, or
  - (iv) Market development
- c. Distribution Centers
- d. Warehousing and/or storage within a completely enclosed building.
- e. Workshops and custom small industry uses such as woodworking, tool and die, etc.

3. Institutional/Civic/Public Uses, as specifically set forth are permitted as follows:

- a. Essential public utility and public services installations including bus stops and shelters, but not power generating stations, transit transfer stations or outdoor storage.
- b. Public Recreation facilities including multipurpose trails for non-motorized travel only.

4. Solar Energy Panel/System – See Section 509 Alternative Energy Systems

## B. Principally Permitted Accessory Uses

1. Definition – See Article II

2. General Standards:

- a. The uses cited in Section 420-8 are wholly excluded.
- b. Accessory structures should be devised to be visually compatible with the main building.



- c. Accessory uses shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

3. The permitted accessory uses are set forth as follows:

- a. Television/Communication Satellite Dishes larger than one (1) meter in diameter shall be considered structures, requiring a permit and subject to front, side and rear setbacks applicable to the district. The dish shall not be located in the setback area abutting a residential district. The area surrounding the dish shall be landscaped to minimize visual impact on any adjoining residential district property. Landscaping shall be completed within one hundred eighty (180) days of installation of the satellite dish and maintained thereafter.
- b. Cafeterias, dining halls, day care and recreational services when operated within the primary building and for the convenience of employees, clients, customers, or visitors of the principal use.
- c. Gates and Guard Houses.
- d. Signs – as set forth in Section 506 of the Zoning Resolution.
- e. Parking Garages for employees, customers, and visitors of the principal use on the property.
- f. Fences, Walls, and Hedges may abut side and rear property lines but must adhere to front yard setbacks and have a maximum height of eight (8) feet, unless a higher maximum height is required within another section of this zoning resolution.

4. Accessory Use Development and Operational Standards

- a. Maximum Detached Accessory Building Size:  
Buildings shall not be larger than 1,000 square feet except if an accessory parking facility or recreation facility.
- b. Maximum number of Accessory Buildings:  
The maximum number of accessory buildings shall be two (2) per lot.
- c. Building Separation: Unless attached to the principal building, accessory structures shall be located at least ten (10) feet from any other structure.

C. Conditional Uses

The following uses shall be conditionally permitted in the Light Industrial-Office District subject to meeting all applicable requirements set forth in Sections 420-4 and 420-5 as well as all general requirements set forth in the Zoning Resolution

and the application and site plan review procedures as provided in Section 420-6. The uses cited in Section 420-8 are wholly excluded.

1. Commercial/Retail Uses, as specifically set forth are conditionally permitted as follows:
  - a. Automotive, Truck, Farm and Excavating Equipment Repair and Services but not including wrecking or salvage, provided that any accessory retail sales use shall not exceed 5,000 square feet in gross floor area.
  - b. Automotive, Truck, Farm and Excavating Equipment Dealers
  - c. Commercial Operations that involve operation, parking and maintenance of vehicles or cleaning of equipment, truck and transfer terminals, storage of goods or work processes involving solvents, except for uses listed in Section 420-8.
  - d. Commercial recreational or sports training facilities.
  - e. Vehicle and equipment rentals.
  - f. Sexually Oriented Businesses.
  - g. Office Business Parks - Subdivision Development,
  - h. Junk Yards.
  - i. Commercial nurseries and wholesale garden centers not conducted entirely within an enclosed building.
2. Light Industrial Uses, as specifically set forth are conditionally permitted as follows:
  - a. Wireless telecommunications towers.
  - b. Truck and Transfer Terminals when storage is conducted wholly within an enclosed building. Loading Space areas shall be included in the enclosed building and trucks loaded and unloaded from an opening only large enough to gain access to the semi-tractor trailer interior. No loading, unloading or storage shall occur outside of the building except for automotive, truck, farm and excavating equipment dealers.
  - c. Light Industrial Business Parks – Subdivision Developments.
  - d. Oil and Gas Exploration.
3. Institutional/Civic/Public Uses, as specifically set forth are conditionally permitted as follows:
  - a. Conference Centers
  - b. Government facilities, Offices and Services
  - c. Public Safety and Emergency Services
4. Wind Energy Systems – See Section 509 Alternative Energy Systems

#### D. Conditionally Permitted Accessory Uses

1. Definition: See Article II

2. General Standards:

Accessory uses shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses:

- a. Accessory structures should be designed to be visually compatible with the main building.
- b. The uses cited in Section 420-8 are wholly excluded.

3. The following conditionally permitted accessory uses are set forth as follows:

- a. Television/Communication Satellite Dishes larger than one (1) meter in diameter shall be considered structures, requiring a permit and subject to front, side, and rear setbacks applicable to the district. The dish shall not be located in the setback area abutting a residential district. The area surrounding the dish shall be landscaped to minimize visual impact on any adjoining residential district property. Landscaping shall be completed within one hundred eighty (180) days of installation of the satellite dish and maintained thereafter.
- b. Cafeterias, dining halls, day care and recreational services when operated within the primary building and for the convenience of employees, clients, customers, or visitors of the Principal Use.
- c. Gates and Guard Houses.
- d. Signs – as set forth in Section 506 of the Zoning Resolution.
- e. Parking Garages for employees, customers, and visitors of the principal use.
- f. Fences, Walls, and Hedges may abut side and rear property lines but must adhere to front yard setbacks and have a maximum height of eight (8) feet, unless a higher maximum height is required within another section of this district.

4. Accessory Use Development and Operational Standards

- a. Maximum Building Size: Buildings shall not be larger than one thousand (1,000) square feet, except if an accessory parking facility or recreation facility.
- b. Maximum number of Accessory Buildings: The maximum number of accessory buildings shall be two (2) per lot.

- c. Building Separation: Unless attached to the principal building, accessory structures shall be located at least ten (10) feet from any other structure.

E. Special Conditions for Principally Permitted or Conditionally Permitted Commercial and Retail Uses. Principally or conditionally permitted commercial and retail uses that reference this subsection, shall not be permitted in the Light Industrial-Office District unless all of the following conditions are met:

- 1. The commercial or retail use shall not be the principal permitted use in any freestanding building.
- 2. The commercial or retail area shall not occupy more than ten thousand (10,000) square feet in gross floor area or twenty (20) percent of the gross floor area of any building, whichever is smaller.

### **Section 420-3 Area, Height and Setback Requirements**

All uses must comply with the following:

- A. Minimum Front Yard Depth: Forty (40) feet from road right of way.
- B. Minimum Side Yard Depth: Thirty-five (35) feet to buildings and five (5) feet to parking areas and driveways.
- C. Minimum Rear Yard Depth: Fifty (50) feet to buildings and five (5) feet to parking areas and driveways.
- D. Total Lot Coverage: Seventy (70) percent of the parcel including all impervious surfaces.
- E. Special Setback requirements from Residential Districts:
  - 1. Non-Courtyard Developments:
    - a. Building or Structure Setback:  
Any building or structure shall be placed a minimum of two hundred (200) feet from any residential district property line, including bufferyard.
    - b. Parking Setback:  
Parking lots shall be placed a minimum of fifty (50) feet from the residential district property line, including bufferyard.
    - c. Bufferwall Setback:  
A bufferwall shall be placed a minimum of fifty (50) feet from the residential district property line, including bufferyard, and at a minimum height of ten (10) feet. The bufferwall that is

required to be constructed as provided in this section must be continuously connected along the entire adjacent residential district regardless of the existence of separate sublots or ownership of property. The bufferwall shall be installed contemporaneously with the construction of the principal use structure(s).

d. Loading Space Setback

Loading space areas shall be placed a minimum of two hundred (200) feet from the residential district property line including bufferyard.

2. Courtyard Developments:

a. Building or Structure Setback

Any building or structure shall be placed a minimum of one hundred (100) feet from any residential district property line, including bufferyard. No activity is permitted behind the buildings and courtyard bufferwall in the one hundred (100) foot setback. All loading activities must take place in the open yard between the buildings in front of the rear courtyard bufferwall.

b. Parking Setback

Parking lots shall be placed a minimum of fifty (50) feet from the residential district property line, including bufferyard and must only be located in the front or side yards. No parking is permitted in the rear of the buildings or the courtyard bufferwall.

c. Bufferwall Setback

The bufferwall that is required to be constructed as provided in this section must be a continuously connected bufferwall along the entire residential district regardless of the existence of separate sublots or ownership of property. The bufferwall shall be installed contemporaneously with the construction of the principal use structures.

i. For side parking lots a bufferwall shall be placed a minimum of fifty (50) feet from the residential district property line, including bufferyard, at a minimum height of ten (10) feet. Rear parking lots are prohibited in courtyard developments.

ii. The bufferwall shall be placed a minimum of one hundred (100) feet from the residential district property line, including buffer yard and shall be attached to the principal use structures it is connecting. The bufferwall shall consist of a solid reinforced concrete construction consistent with the exterior wall materials on the principal use structures

and be at a minimum height equal to the height of the principal use structures.

iii. Loading Space Setback

Loading space areas shall be placed a minimum of one hundred (100) feet from a residential district property line including bufferyard and have a courtyard bufferwall at a minimum height of 10'. No activity is permitted behind the buildings and courtyard bufferwall in the one hundred (100) foot setback. All loading activities must take place in the open yard between the buildings in front of the rear courtyard bufferwall.

E. Structure Height: The maximum building height shall be fifty (50) feet.

F. Minimum Gross Area: One (1) acre. (See Lot Area, Gross in Article II Definitions).

G. Maximum Floor Area to Lot Ratio:

Office Uses:	.35
Light Industrial and Warehouse Uses:	.40
Mixed Use Maximum:	.40

H. Only one (1) principal use structure per lot will be permitted except for courtyard developments as set forth in Section 420-3(D)2.

**Section 420-4 Site Planning and Performance Standards.**

All uses must comply with the following standards. Evidence of compliance must be provided within the application submitted to the Township. See Article V, Section 505.

A. Noise/Hours of Operation

1. General Standard: No activity or operation within the district shall exceed the maximum permitted sound levels db(A) as set forth in the Summit County Noise Nuisance Ordinance 509.08, as may be amended.

2. Additional Standards for Specific Operations:

a. Truck Loading. No truck loading or unloading shall be allowed within two hundred fifty (250) feet of a residential lot between the hours of 10:00 p.m. and 6:00 a.m. Loading shall be determined to be the activity of moving product on or off a

vehicle or trailer at the building wall where access between the building and vehicle meet.

- b. Additions. Additions in excess of five thousand (5,000) square feet that are planned to house any stationary machinery, device, or equipment that will create noise that exceeds sixty (60)db(A) shall be reviewed to ensure that noise mitigation measures such as building noise attenuation and insulation, siting modifications, berms, barriers, and other measures are utilized to effect noise levels to not exceed the limits under Summit County Ordinance 509.08, as may be amended.

B. Vibrations - See Article V, Section 505

C. Odors. See Article V, Section 505

D. Air Quality/Emissions. See Article V, Section 505

E. Hazardous Waste/Materials. See Article V, Section 505

F. Heat or Light. See Article V, Section 505

G. Road Surface Standards

All roads, driveways and parking areas shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface. All roads, driveways and parking areas shall be designed to utilize any existing drainage and sewer system and will be installed in compliance with all applicable governmental standards including Summit County standards.

H. Landscaping and Buffering

Landscaping and Buffering shall be utilized to minimize the impact of different land uses and to protect adjacent residential districts from nuisances.

1. Applicability

Buffering and landscaping requirements shall apply to new property development and any substantial expansion of existing structures. Substantial expansion in this subsection is defined as follows:

Where Existing Structure is:	A substantial expansion is:
0 – 10,000 sq. ft.	0% or greater

10,001-25,000 sq. ft.	30% or greater
25,001 sq. ft. –50,000 sq. ft.	20% or greater
50,001 sq. ft. and larger	10% or greater

## 2. Bufferyards

Bufferyards are required around the boundary of all new developments to separate light industrial, office/commercial uses and adjacent residential land uses and to minimize or eliminate the detrimental impacts of different uses upon one another and upon the adjacent districts or uses.

## 3. General Standards

Responsibility for and Timing of Installation:

Bufferyards shall be provided and maintained thereafter by the person in charge of or in control of developing the property whether as owner/lessee, tenant, or occupant. All landscaping and bufferyards shall be installed on site by completion of construction of the principal use, or if not feasible, within one planting season after completion of construction. Bufferyards shall be located along the side boundaries of a lot or parcel and along the rear of the parcel.

## 4. Determination of Bufferyard Type

The type of bufferyard required is determined by the following procedures:

- Identify the land use of the proposed development property,
- Identify the adjacent land use(s),
- Identify the type of bufferyard required by referring to the Table below.

<b>Bufferyard/Land Use Matrix</b>				
<b>Proposed Use</b>	<b>Commercial/Retail</b>	<b>Industrial</b>	<b>Institutional</b>	<b>Residential</b>
Commercial/Retail Land Use	A	B	A	C
Light Industrial Land Use	B	A	C	D
Institutional Land Use	A	C	A	C



5. Bufferyard Increases Based on Height of Non-Residential Building  
When a non-residential structure is developed adjacent to a residential use district, the required boundary bufferyard shall be increased as follows:

When the Height of the Non-Residential Use is:	The Required Boundary Bufferyard Type Shall Be
35 Feet or Less	As Shown in Table Above
35 Feet or More	One Level Higher Than the Type Shown in Table above. (e.g. if Table shows Bufferyard C, then Bufferyard D shall be established)

#### 6. Bufferyard Type Standards

Bufferyard A	Minimum 10' width Required Plants per 100' length 1 Canopy tree, 2 Understory trees, 3 Shrubs
Bufferyard B	Minimum 15' width Required Plants per 100' length 3 Canopy trees, 6 Understory trees, 9 shrubs
Bufferyard C	Minimum 25' width Required Plants per 100' length 4 Canopy trees, 8 Understory trees, 18 Shrubs, 8 evergreen/conifers
Bufferyard D	Minimum 50' width Required plants per 100' length 6 Canopy trees, 9 Understory trees, 24 Shrubs, 12 evergreen/conifers.

#### 7. Bufferwall requirements for lots adjacent to residential districts:

Where a use abuts a residential district, the applicant will be required to construct a bufferwall as defined in Article II– Definitions and as set forth in the regulations of Sections 420-3(D)1c and 420-3(D)2c.

#### 8. Plant Requirements:

- a. Canopy trees shall have a minimum diameter at breast height (DBH) of at least two (2) inches when installed.
- b. Understory trees shall have a DBH of at least one and one quarter (1¼) inches when installed.
- c. Evergreen trees shall be a minimum of six (6) feet in height at time of planting.
- d. Shrubs shall be at least eighteen (18) inches in height or twenty-four (24) inches in spread at time of planting.
- e. All landscape materials installed shall be in an irregular pattern.
- f. If there are existing natural woodlands within the required bufferyard area those woodlands shall be left undisturbed up to the nearest setback line to the extent feasible.

## I. Drainage

Due to the relationship of the Light Industrial - Office District to the Columbia Run drainage system of the Cuyahoga Valley National Park, particular attention is given to protecting the environmental integrity of existing streams and wetlands resources.

### 1. General Criteria

The Summit County Technical Guidelines for Stormwater Management are the accepted design and construction specifications for Stormwater Management facilities. Peak rate run-off from any area after development shall not exceed the peak rate runoff from the same area before development. Prior to issuance of a Zoning Certificate, evidence must be submitted as to comply with the following:

### 2. Wetland Detention

Wetlands may be considered for use in reducing stormwater runoff as long as it is demonstrated that no adverse impact will occur on existing vegetation within the wetlands.

### 3. Wetlands Delineation

All existing wetland areas, as defined in the definitions subject to reporting to the Army Corps of Engineers, must be designated on site plan applications and setbacks of a minimum of fifteen (15) feet must be retained.

### 4. Erosion and Sediment Control

All development within the district shall present evidence of an Approved Storm Water Pollution Plan prior to issuance of any zoning certificate. The Approved SWPP shall remain on file at the Township zoning office.

#### 5. Restriction on Water Quality Run-off

The applicant must demonstrate that no run-off from the site will contain substances included in Section 420-8.

#### J. Traffic Management

All traffic must only access State Route 21/Brecksville Road from West Columbia Road or Allegra Way.

#### K. Adequate Public Facilities

All uses must demonstrate that adequate public facilities, in terms of sewerage treatment and water supply, are available to meet the intended use.

#### L. Utilities

All service utilities shall be installed underground.

#### M. Building or Structure Siting

Notwithstanding the requirements of 420-3, the Zoning Commission may recommend a specific location on a site for buildings, structures and activities that generate potential adverse impacts on adjacent uses and to minimize the effects on surrounding property owners. For conditionally permitted use applications, the Board of Zoning Appeals has the right to grant a permit subject to the condition of building or structure siting.

#### N. Parking

##### 1. Applicability

Any building, structure, or use of land when erected or enlarged shall provide for off-street parking and loading spaces in accordance with the following provisions:

- a. When a building or use that is constructed or enlarged after the effective date of this resolution is changed, or enlarged in floor area, number of employees, seating capacity or otherwise such as to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided based on the enlargement or change.

- b. A Parking Plan shall be required for all uses and submitted as part of any application for Site Plan Review.
- c. Fire lanes should be incorporated for emergency vehicles, as determined by the Richfield Fire Department.

## 2. General Standards

All parking and loading requirements shall meet the following standards:

- a. Parking areas shall be designed to minimize visual impact of parked cars as viewed from the public right-of-way and adjacent properties through the use of plantings and earth berms.
- b. If a proposed use is adjacent to a residential district, parking lots shall be located, to the maximum extent feasible, in areas on the sides of the building that are not directly adjacent to the residential property line.
- c. Buildings shall be set back from the edge of parking areas to provide for landscape treatment in front of the building.
- d. Driveways shall not be used as points of ingress and egress for individual parking spaces.
- e. Curb definition shall be maintained, prohibiting continuous access along the frontage of the site.

## 3. Parking Space Requirements

Parking Space Requirements include handicapped parking to be provided as required under the Americans with Disabilities Act. The dimension of parking spaces serving handicapped persons shall be at least twelve (12) feet wide by eighteen (18) feet long.

- a. Automotive Dealers: One (1) space for each four hundred (400) square feet of floor area plus one (1) for each employee.
- b. Automotive/Truck Repair: A maximum of three (3) spaces for each service bay plus one (1) space per employee.
- c. Bank and Financial Institutions: One (1) space for each four hundred (400) square feet of floor area plus sufficient stacking space at drive-up facilities to accommodate the number of automobiles equal to four times the number of teller windows.
- d. Wholesale Garden Centers: Wholesale Garden Centers: One (1) space per one thousand (1,000) square feet of floor area plus one (1) space per two thousand (2,000) square feet of land area.
- e. Light Industrial: One and one half (1 ½) spaces for each employee on the shift with the highest number of employees

plus five (5) spaces, except that the applicant may develop the property with only 75% of the required parking spaces, only if the applicant has identified an area of the property for the 25% balance of the required parking spaces which will be left undeveloped and available for additional parking spaces if requested by the Township due to lack of spaces resulting from use of the property, or if desired by the applicant after construction.

- f. Medical Clinics: One (1) space for each one hundred (100) square feet of floor area.
- g. Office: One (1) space for each three hundred (300) square feet of floor area.
- h. Recording, Radio, or TV Studios: One (1) space per four hundred (400) square feet of floor area.
- i. Recreation: One (1) space for each two (2) participants at maximum utilization.
- j. Research Laboratories: One (1) space for each four hundred (400) square feet of floor area.
- k. Retail Business: One (1) space for each two hundred fifty (250) square feet of floor area.
- l. Warehousing: One (1) space for each one thousand (1,000) square feet of floor area.
- m. Distribution Center: One and one-half (1 ½) spaces for each employee on the shift with the highest number of employees plus five (5) spaces, except that the applicant may develop the property with only 75% of the required parking spaces, only if the applicant has identified an area of the property for the 25% balance of the required parking spaces which will be left undeveloped and available for additional parking spaces if requested by the Township due to lack of spaces resulting from use of the property, or if desired by the applicant after construction.
- n. All other uses: one (1) space for each four hundred (400) square feet of floor area.
- o. Outdoor Storage: No outdoor storage of materials is permitted except for commercial nurseries and wholesale garden centers.
- p. Exterior Building Materials: All exterior finish materials, including windows and doors, shall be of architectural grade with long term, low maintenance characteristics. Additions and accessory structures should be designed to be compatible with the main building.

## **Section 420-5 Conditional Use Standards**

### **A. General Criteria and Standards**

In addition to the Site Planning and Performance Standards in Section 420-4, all applications for Conditional Uses shall demonstrate that:

1. The use is consistent with intent and policies of the Light Industrial-Office District.
2. The use can be accommodated on the site consistent with all district standards set forth in Section 420.4.
3. On-site and off-site traffic circulation patterns related to the use shall not adversely impact adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site. To meet this criterion, a traffic impact study may be required by the Board of Zoning Appeals.
4. The use will be served by adequate public facilities and services including but not limited to water, sewer, electric, streets, fire and police protection, and storm drainage.
5. The use provides adequate off-street parking on the same property as the use and in compliance with Section 420-4N of the Zoning Resolution.

#### B. Conditional Use Special Conditions and Standards

The proposed Conditional Use must satisfy all special conditions as listed below:

1. Commercial/Retail Uses
  - a. Automotive, Truck, Farm and Excavating Equipment Repair and Services
    - i. All vehicle maintenance or repairs shall be conducted entirely within an enclosed building.
    - ii. The storage of hazardous materials for longer than thirty (30) days shall not be permitted, and only when materials are incidental to the use, and requires containment within a walled container or steel tub. No storage of end-product hazardous materials will be permitted.
    - iii. The building housing such use shall be located a minimum of three hundred (300) feet away from any residential property line.
    - iv. All property lines that adjoin a residential use or district shall be screened with a bufferyard that is the equivalent or exceeds screening provided by Bufferyard “D” and any

other buffer requirements including bufferwall requirements.

- v. No parking of vehicles shall be allowed in parking aisles, driveways, or road rights-of-way.
- vi. Storage of vehicles being repaired is not to exceed forty-eight (48) hours, and storage spaces must be designated on the application and not used for parking. The maximum number of storage spaces per bay will be three (3).
- vii. Bulk storage in excess of one thousand (1000) gallons of flammable liquids or in excess of one hundred and twenty-five (125) cubic feet of flammable gases shall be underground. A disaster/spill plan shall be completed and remain on file with the Richfield Fire Department.
- viii. Any bulk storage of flammable liquids must have prior written review and approval of the Richfield Fire Department.

b. Automotive Dealers

- i. All vehicle maintenance or repairs shall be conducted entirely within an enclosed building.
- ii. Bulk storage in excess of one thousand (1,000) gallons of flammable liquids or in excess of one hundred and twenty-five (125) cubic feet of flammable gases shall be underground. A disaster/spill plan shall be completed and remain on file with the Richfield Fire Department.
- iii. All property lines that adjoin a residential use or district shall be screened with a bufferyard that is equivalent or exceeds screening provided by Bufferyard “D” and any other buffer requirements including bufferwall requirements.
- iv. No parking of vehicles shall be allowed in parking aisles, driveways, or road rights-of-way.
- v. Any bulk storage of flammable liquids must have prior written review and approval of the Richfield Fire Department.

c. Commercial operations that involve the operation, and maintenance of vehicles, or cleaning of equipment

- i. All vehicle maintenance or repairs shall be conducted entirely within an enclosed building.
- ii. Adequate vehicle turning areas shall be provided on the site so that vehicles and equipment can be maneuvered on site without interrupting traffic flow or blocking public streets.

- iii. The use or building housing such use shall be located a minimum of five hundred (500) feet away from any residential property line.
  - iv. All property lines that adjoin a residential use or district shall be screened with a bufferyard that is equivalent or exceeds screening provided by Bufferyard “D” and any other buffer requirements including bufferwall requirements.
- d. Commercial recreational or sports training facilities
- i. Amplification of music, live entertainment, or other noise emanating from the use that is audible at the property line shall not be allowed.
  - ii. Safe areas for pick-up and discharge of persons shall be provided.
  - iii. The use or building housing such use shall be located a minimum of five hundred (500) feet away from any residential property line.
- e. Vehicle and equipment rentals
- i. All vehicle maintenance or repairs shall be conducted entirely within an enclosed building.
  - ii. Bulk storage in excess of one thousand (1,000) gallons of flammable liquids or in excess of one hundred and twenty-five (125) cubic feet of flammable gases shall be underground. A disaster/spill plan shall be completed and updated as necessary and to remain on file with the Richfield Fire Department.
  - iii. Adequate vehicle turning areas shall be provided on the site so that vehicles and equipment can be maneuvered on site without interrupting traffic flow or blocking public streets.
  - iv. All property lines that adjoin a residential use or district shall be screened with a bufferyard that is equivalent or exceeds screening provided by Bufferyard “D” and any other buffer requirements including bufferwall requirements.
  - v. Any bulk storage of flammable liquids must have prior written review and approval of the Richfield Fire Department.
- f. Sexually Oriented Businesses
- i. No Sexually Oriented Business may be established within one thousand (1,000) feet of:



- a). A church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.
- b). A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergarten, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
- c). A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the Township that is under the control, operation or management of either the Park Board or which is operated or managed by the Cuyahoga Valley National Park or Metroparks.
- d). The property line of a lot devoted to a residentially zoned parcel as defined in the Zoning Resolution.

- ii. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or street in front of the building.
- iii. A maximum one (1) square foot sign may be placed on the door to state hours of operation and admittance to adults only.
- iv. All Sexually Oriented Businesses shall also be subject to all approved and existing Board of Trustees Resolutions regulating sexually oriented business which resolutions may be obtained from the Township Clerk and proof of compliance with such must be included in the application.

g. Junk Yards

- i. No Junk Yard may be established within one thousand (1000) feet of:

- (a) A church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.
  - (b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergarten, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
  - (c) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the Township that is under the control, operation or management of either the Park Board or which is operated or managed by the Cuyahoga Valley National Park or Metroparks.
  - (d) The property line of a lot devoted to a residentially zoned parcel as defined in the Zoning Resolution.
- ii. Adjacent properties shall be sheltered from the junk yard use by a bufferwall and bufferyard constructed to the following standards:
  - (a) Bufferwall Requirements: A wall consisting of reinforced solid concrete construction completely enclosing all junk yard use area of the property. The bufferwall must be installed before any junk-yard activity may commence, shall be placed a minimum of fifty (50) feet from the property line and must be a minimum of ten (10) feet in height.
  - (b) Bufferyard Requirements: A Type D Bufferyard, as described in Section 420-4(H)6 shall completely surround the required bufferwall.
- h. Commercial nurseries and garden centers not conducted entirely within an enclosed building.
  - (1) All storage of non-living material shall be within an enclosed building.

- (2) All vehicle, equipment and materials storage, maintenance and repair shall be within an enclosed building.
- (3) All property lines that adjoin a residential use or district shall be screened with a bufferyard that is the equivalent or exceeds screening provided by Section 420-4(H)6 & 8 Bufferyard “D” and any other buffer requirements including bufferwall requirements.
- (4) No parking of vehicles shall be allowed in parking aisles, driveways, or road rights-of-way.
- (5) Buffering with mounding and/or fencing shall be required for non-enclosed areas as necessary to shield adjacent and nearby uses from noise, dust, light caused by operations at the site and to lessen visibility of activity at the site.

## 2. Light Industrial Uses:

### a. Truck and Transfer Terminal

- i. Adequate vehicle turning areas shall be provided on the site so that vehicles and equipment can be maneuvered on site without interrupting traffic flow or blocking public streets.
- ii. All parking and loading areas shall be located a minimum of three hundred (300) feet from any residential property line.

## **Section 420-6 Site Plan Review Procedures**

Zoning Certificates for the Light Industrial-Office District will be issued only after completion of a Site Plan Review and approval by the Zoning Inspector or, in the case of Conditional Use permit, the Board of Zoning Appeals.

### A. Establishment of Allowable Use

Prior to the Site Plan Review process, the applicant must establish that use proposed is contained within the use regulations of Section 420-2. The applicant is required to confer with the Zoning Inspector to determine if the proposed use is a permitted, conditional or prohibited use. Principal permitted uses will be processed under Section 420-6(B). Conditional uses will be processed under Section 420-6(C). A decision of prohibited use by the Zoning Inspector may be appealed to the Board of Zoning Appeals under Section 901-8 Administrative Appeals.

## B. Site Plan Review of Permitted Uses

1. The Applicant shall attend a Site Plan Review Conference with the Zoning Inspector prior to submitting a Site Plan Review application. The Site Plan Review Conference is intended to facilitate the processing of the application and to clearly establish the items needed to be submitted for review by the Zoning Inspector or Board of Zoning Appeals. No application will be considered complete and acceptable for processing until all required application documentation is received by the Zoning Inspector.

### 2. Site Plan Review Application and Fees

The Applicant must submit all documentation included in Section 420-7, Site Plan Submittal Requirements (Core Requirements) unless expressly waived by the Zoning Inspector. The waiving of submission requirements shall be done only where the information required has previously been submitted and the information is still current, or the item is clearly inapplicable to the application. All fees required for processing according to the Township Fee Schedule must be submitted at the time of application.

The Zoning Inspector will provide written notice to the Board of Trustees, Board of Zoning Appeals, and Zoning Commission and the following agencies:

- a. Summit County Department of Environmental Services and/or Ohio EPA.
- b. Summit Soil and Water Conservation District
- c. County of Summit Engineer
- d. Richfield Township Road Department
- e. Richfield Township Police Department
- f. Richfield Fire Department
- g. Any other expert or consultant chosen by the Zoning Commission Chair and/or Zoning Inspector to review pertinent application sections.

Comments from the above listed agencies and/or experts will be included in the application review package for review by the Zoning Commission and/or Board of Zoning Appeals. Agencies shall have fourteen (14) working days to forward their comments to the Township. Any variance required from the above listed agencies shall require the applicant to return to the township for additional review of modifications made in the variance approval process.

## C. Site Plan Review of Conditional Uses and Conditional Use Applications

### 1. Site Plan Review Conference

The applicant shall confer with the Zoning Inspector prior to submitting a Site Plan Review and Conditional Use application. This conference is intended to facilitate the application review process and to clearly establish the items needed to be submitted for review by the Board of Zoning Appeals. No application will be considered complete and acceptable for processing until all required documentation is received by the Zoning Inspector.

### 2. Site Plan Review/Conditional Use Application and Fee

The applicant must submit all documentation included in Section 420-7, Site Plan Submittal Requirements (Core Requirements) unless expressly waived by the Zoning Inspector after review with the Zoning Commission Chair. The waiving of submission requirements shall be done only where the information required has previously been submitted and the information is still current, or the item is clearly inapplicable to the application. All fees required for processing according to the Township Fee Schedule must be submitted at the time of application.

A minimum of eleven (11) copies of the application and submittal documentation must be submitted. Within seven (7) working days, the Zoning Inspector shall forward the application to the following agencies for their review and comment.

- a. Richfield Township Road and Service Department
- b. Richfield Township Police Department
- c. Richfield Fire Department
- d. Any other expert or consultant chosen by the Zoning Inspector to review pertinent application sections.
- e. Zoning Commission

Comments from the above listed agencies or experts will be included in application review package for consideration by the Board of Zoning Appeals. The above listed agencies or experts shall have fourteen (14) working days to forward their comments to the Township.

Upon receipt of agency comments the Zoning Inspector shall prepare a Conditional Use/Site Plan Review report and forward this report along with the completed application to the Board of Zoning Appeals and Board of Trustees for consideration and public hearing at the next regularly scheduled meeting of the Board of Zoning Appeals.

### 3. Conditional Use Permit/Site Plan Review

The Board of Zoning Appeals shall hold a public hearing or hearings on the Conditional Use Permit/Site Plan application after publication of hearing notice according to Section 701-1 of this resolution. The Board of Zoning Appeals shall review the application and make Finding of Fact in accordance with Section 420-2(B), (C), (D), Sections 420-3, 420-4 and 420-5 of this resolution to approve or deny the application within thirty (30) days of the final public hearing. In addition to the above, Subdivision Developments shall also be processed under Section 420-6(C)4.

#### 4. Subdivision Development Conditional Use Approval Limitations

Approval of a Subdivision Development Conditional Use Site Plan does not eliminate the need for a zoning certificate site plan review for construction on individual lots unless the final end uses are identified at the time of Subdivision Development approval and have submitted ownership, option or lease agreements to verify the proposed use and site plan.

### **Section 420-7 Site Plan Submittal Requirements (Core Requirements)**

- A. A complete application form provided by the Zoning Inspector, copies required and required fee. All plans and plan revisions shall be dated: month, day, and year.
- B. A Site Development Plan shall be filed with the Zoning Inspector together with a narrative summary indicating compliance with all provisions of this resolution and accompanied by any studies supporting the proposed development.
- C. The Site Development Plan shall be drawn at an appropriate scale to allow for a thorough review, and shall include the following information:
  - 1. All property lines, shape and dimensions of the lot to be built upon showing directional bearings and distances, adjacent streets, and location with reference to identifiable street intersections.
  - 2. Name of development, legal description of property, north arrow, scale, acreage, name and address of record owner, lessee and engineer.
  - 3. Vicinity map locating the subject property in Richfield Township. Both the vicinity map and the General Development Plan shall be oriented with parallel north arrows.
  - 4. The total area of the property and individual parcels.
  - 5. All public and private rights-of-way and easement lines located on or adjacent to property that are proposed to be continued, created, enlarged, relocated, or abandoned.
  - 6. Existing topography, an approximate delineation of any topographical changes shown by contour at two (2) foot intervals.

7. Any locations, modifications, changes, and additions to existing building(s), including floor area, heights and setbacks.
8. Delineation of all existing and proposed uses in the project, including but not limited to, the following:
  - a. A statement indicating size of buildings, their uses, and setback, and,
  - b. Number of lots, including lot sizes and dimensions, setbacks, and indication of height of buildings.
9. Location of proposed streets and rights-of-way widths and proposed pedestrian walkways.
10. Preliminary location of all existing and proposed pedestrian walkways. Plans shall show relationship with existing utility capacities.
11. Limits of existing flood hazard areas within the property as defined by the Flood Insurance Rate Maps (F.I.R.M.) accurately showing the limits of building encroachments and earth fill within this area, with 100-year water surface elevations and proposed finished floor elevations denoted.
12. Delineation of wetland areas and soil types including name, address and phone number of consultant preparing the delineation.
13. A schedule of development, including the staging and phasing.
14. Locations of all oil and gas well heads and tank batteries on the property and whether they will be retained, capped, or removed.
15. Demonstration of compliance with requirements of Section 420.
16. Name and addresses of property owners within five hundred (500) feet of any perimeter line of the application site.
17. Approximate location, dimensions, and area of all parcels of land proposed to be set aside as open space or other public use.
18. Copy of Notice of Intent (NOI) application or permit demonstrating compliance with National Pollutant Discharge Elimination System (NPDES) permit – Storm Water Pollution Prevention Plan.
19. Anticipated impact on traffic levels and off-site circulation. Traffic data shall conform to the Institute of Transportation Engineers (ITE) Trip Generation Handbook, most recent version.
20. Location and type of buffering between uses.
21. Parking Plan - Number and location of parking spaces, arrangement of parking aisles and driveway entrances, sidewalks, interior landscaping, drainage.
22. Landscaping Plan to meet requirements of Section 420-4(H).

## **Section 420-8 Industrial Uses wholly excluded from Section 420**

All establishments that use, store, transport, distribute or produce any material as listed in Superfund Amendments and Reauthorization Act of 1986 (SARA), Section 302 Extremely Hazardous Substances List (40 C.F.R. 355, Appendices A and B), and SARA Section 313, Toxic Chemicals List (40 C.F.R. 372.65).

All establishments falling within North American Industry Classification System (NAICS) No. 322, Paper Manufacturing, as identified in the *NAICS United States Manual 1998*.

All establishments falling within North American Industry Classification System (NAICS) No. 321114, Wood Preservation, as identified in the *NAICS United States Manual 1998*.

All establishments falling within North American Industry Classification System (NAICS) No. 3251, Basic Chemical Manufacturing, as identified in the *NAICS United States Manual 1998*.

All establishments falling within North American Industry Classification System (NAICS) No. 3253, Manufacture of Pesticide, Fertilizer, and Other, as identified in the *NAICS United States Manual 1998*.

All establishments falling within North American Industry Classification System (NAICS) No. 562, Waste Management and Remediation, as identified in the *NAICS United States Manual 1998*.

All establishments falling within North American Industry Classification System (NAICS) No. 3241, Petroleum Refineries and Related Industries, as identified in the *NAICS United States Manual 1998*. All establishments falling within North American Industry Classification System (NAICS) No. 324199, 331221, and 331111, Steel Works, Blast Furnaces, and Rolling and Finishing Mills, as identified in the *NAICS United States Manual 1998*. All establishments falling within North American Industry Classification System (NAICS) No. 3315, Iron and Steel Foundries, as identified in the *NAICS United States Manual 1998*. All establishments falling within North American Industry Classification System (NAICS) No. 331, Primary Metal Industries, as identified in the *NAICS United States Manual 1998*. All establishments falling within North American Industry Classification System (NAICS) No. 2211, Electric Services (establishments engaged in the generation, transmission, and/or distribution of electric energy for sale), as identified in *NAICS United States Manual 1998*. All establishments falling within North American Industry Classification System (NAICS) No. 22121, Natural Gas Distribution, as identified in the *NAICS United States Manual 1998*. All establishments falling within North American Industry Classification System (NAICS) No. 311611, Animal (except poultry) Slaughtering, as identified in the *NAICS United States Manual 1998*. All establishments falling within North American Industry Classification System (NAICS)



No. 311615, Poultry Slaughtering and Processing, as identified in *NAICS United States Manual 1998*. All establishments falling within North American Industry Classification System (NAICS) No. 311613-311712, Animal and Marine Fats and Oils, as identified in the *NAICS United States Manual 1998*.

Wholesale or retail distribution or storage of scrap, waste material, auto bodies/parts, or hazardous materials.

#### **Section 420-9 Major Modifications to Approved Site Plans**

All modifications to an Approved Site Plan not covered by Section 420-7 shall be considered a request for an amended Site Plan and shall be reviewed under the procedures for Site Plan Review Section 420-6. All such approvals must be in writing, signed by the Zoning Inspector, and maintained on file at the Township office.

#### **Section 420-10 Occupancy and Use Changes**

All changes in occupancy or use must be applied for in writing and submitted to the Zoning Inspector. All requirements for a change in occupancy or use must comply with the requirement of the Zoning Resolution existing at the time of the application. All applications will be treated as a new application for zoning permit and follow the same procedure for approval.

#### **Section 420-11 Compatibility with Other Zoning Resolution Provisions**

The provisions in this District, including but not limited to the conditional use standards, and all appendices amend and supplement the other provisions in the Zoning Resolution.

## **ARTICLE V**

### **ANCILLARY PROVISIONS**

#### **Section 501 PARKING AND LOADING REQUIREMENTS**

In all districts, in connection with every building or use, parking facilities shall be provided on the premises as prescribed by the following:

##### **Section 501-1 Minimum Number of Off-Street Parking Spaces Required**

- A. Dwelling – Two (2) for each dwelling unit, totally enclosed.
- B. Church, Auditorium, Theater, Conference Center and Similar Uses – One (1) for each four (4) seats based on maximum seating capacity.
- C. Business and Professional Offices, Banks, Financial Institutions One (1) space for each three hundred (300) square feet of floor area.
- D. Retail Business: One (1) space for each two hundred (200) square feet of floor area.
- E. Medical Facilities: One (1) space for each two hundred (200) square feet of floor area.
- F. Hotels, Motels, and Bed and Breakfasts – One (1) parking space for each one (1) guest room.
- G. Distribution Center/Warehousing: One (1) space for each one thousand (1,000) square feet of floor area.
- H. Automotive or Equipment Dealer or Service One (1) space for each three hundred (300) square feet of floor area.
- I. Wholesale Garden Centers: Wholesale Garden Centers: One (1) space per one thousand (1,000) square feet of floor area plus one (1) space per two thousand (2,000) square feet of land area.
- J. Recording, Radio, or TV Studios: One (1) space per four hundred (400) square feet of floor area.
- K. Research Facilities: One (1) space for each four hundred (400) square feet of floor area.
- L. All other uses: one (1) space for each four hundred (400) square feet of floor area.

## **Section 501-2 General Regulations**

### **A. Floor Area**

For the purposes of this Section "floor area" shall exclude the areas used principally for purposes such as storage, incidental repair, and rest rooms. In measurement for parking space, fractions of required floor area over one-half (1/2) shall require one (1) parking space.

### **C. Parking Area Design**

Commercial or Industrial parking areas shall be improved with bituminous, concrete, or dust-free equivalent surfacing. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets and no open light sources such as the stringing of light bulbs shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more, and shall be constructed to contain the cars on sloping surfaces, and to prevent bumper overhang.

### **D. Entrances and Exits**

Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than two (2) access ways abutting on any one (1) street. Such access ways shall be not less than twenty (20) feet at the curb cut line of street. Residential uses may have access ways of not less than eight (8) feet.

### **G. Joint Use**

Parking spaces already provided to meet off-street parking requirements may be made available for adjacent properties to meet not more than seventy-five percent (75%) of the off-street parking requirements, provided each use has regular hours of non-use that complement the use needs of the adjacent property.

## **Section 501-2 Loading and Unloading Space Requirements**

### **Minimum Spaces Required**

Every building used for nonresidential purposes that customarily receives or distributes goods by motor vehicles shall provide space on the premises for loading purposes on the basis of the following regulations:

A. Every building having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance. An

additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof, of gross floor area in the building.

B. Access to truck loading and unloading space shall not be provided directly from a public street or alley or from any right-of-way that may interfere with public convenience or disrupt the orderly and safe movement of such trucks.

C. Loading space as required under this Section shall be provided as area additional to off-street parking.

## **ARTICLE V**

### **ANCILLARY PROVISIONS**

#### **Section 505 PROPERTY OPERATION AND MAINTENANCE STANDARDS**

##### **A. Sound**

1. General Standard: No activity or operation shall exceed the maximum permitted sound levels db(A) as set forth in the Summit County Ordinances 509.08, as may be amended.

##### **B. Vibrations**

No activity or operation shall cause or create earth-borne vibrations in excess of the displacement values set forth below on or beyond any abutting parcel zoned for residential, commercial, institutional, or industrial use or shall cause any inherent or recurring generated vibration perceptible without instruments at any point along the property line on which the vibration source is located.

Steady-State Vibration Limits	
Vibration Limit	Peak Particle Velocity (Inches per Second)
At a Residential Parcel	0.03
At a Commercial/Light Industrial Parcel	0.06

Note: Nighttime limits shall be considered to prevail from 10:00 PM to 7:00 AM

##### **C. Odors.**

No activity or operation shall cause or allow the emission of odorous air contaminants from any source that results in detectable odors that are measured in excess of the following limits: For areas used predominantly for residential

purposes, it is a violation if odors are detected after the odorous air has been diluted with seven (7) or more volumes of odor-free air.

#### D. Air Quality/Emissions

No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred or transported off the lot by natural causes or forces. All materials or wastes must be contained within a building or structure that minimizes public view from the neighboring properties to the greatest extent practicable.

#### E. Hazardous Waste/Materials

1. All hazardous materials or wastes that might cause fumes or waste or which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects shall be temporarily stored for not more than thirty (30) days outdoors only in closed containers.
2. No hazardous materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred or transported off the lot by natural causes or forces. All materials or wastes must be contained within a building or structure.
3. If the proposed use is known to utilize hazardous materials or wastes onsite more than the amounts set forth in Uniform Fire Code (UFC), Article 4.108, or as updated/amended hereafter, the applicant shall prepare, at the direction of the Richfield Fire Chief, a hazardous materials impact analysis to remain on file at the Fire Department for annual inspections that:
  - a. Assesses potential off-site impacts and appropriate mitigation procedures and precautions; and
  - b. Examines methods to reduce the use and temporary storage of hazardous materials and the production of hazardous wastes at the site.
4. A material safety data sheet must be filed with the Richfield Fire Department for any storage of hazardous materials or wastes, temporary or otherwise.

#### F. Heat or Light

1. If the proposed activity or operation produces heat, whether direct or reflected, that is perceptible from any point along the development's property lines, the operation shall be conducted within an enclosed building or with other effective screening sufficient to make such heat imperceptible at the property line.

2. Light sources in excess of twenty (20) feet in height shall be located no closer than one hundred (100) feet to any residential property line and with a total cutoff of at least ninety (90) degrees in the direction of any such property line. See definition for LIGHT CUTOFF in Article II.
3. Light Poles may not exceed twenty-five (25) feet in height.
4. Exterior lighting for outdoor recreational facilities shall be extinguished no later than 11:00 p.m. except for parking facilities.
5. No flickering or flashing lights shall be permitted except as specifically preempted by state or federal law.

## **ARTICLE V**

### **ANCILLARY PROVISIONS**

#### **506 SIGN REGULATIONS**

##### **Section 506-1 Purpose**

The purpose of this section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance, and protect the physical appearance of the community, and preserve the scenic and natural beauty of the designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

##### **Section 506-2 Government Signs Excluded**

For the purpose of this Resolution, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental regulation.

##### **Section 506-3 General Requirements of All Signs and Districts**

The regulations contained in this section shall apply to all signs and all use districts.

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed to permit the beams and illumination to be directed or beamed upon a public thoroughfare, highway sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections A and B of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.
- C. All wiring, fittings and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect.
- D. No sign of any classification shall be installed, erected, or attached in any form, shape or manner to any required ventilation opening, a fire escape or any door or window giving access to any fire escape.



- E. All signs shall be so designed and supported as to carry the weight of the sign, shall be secured in such a manner as to prevent significant movement due to wind, and shall comply with the local building codes in effect.
- F. No sign shall be placed on the roof of any building.
- G. No sign erected or maintained in the window of a building visible from any public or private street or highway, shall occupy more than forty percent (40%) of the window surface.
- H. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.
- I. No projecting sign, attached parallel to the building, shall be erected or maintained from the front or face of the building a distance of more than eighteen (18) inches, including those projecting from the face of any theater, hotel or motel marquee.
- J. No sign or part thereof shall consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for advertising or attracting attention when not part of a sign; except that temporary banners and posters may be used for advertising Richfield community and/or Revere Schools activities and related projects.
- K. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.
- L. No portable or temporary sign shall be placed on the front or face of a building on any premises, except as provided for in Section 506-9 and 506-10 herein.
- M. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall be permitted on any property.
- N. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, notification of present danger or prohibition of trespassing or hunting.
- O. No vehicle or trailer may be parked on a business premise or a lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.
- P. All signs shall be maintained in a safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall cause to be removed any sign or structure found to be unsafe or structurally unsound within ten (10) days of issuance of notification.
- Q. Off premises signs are prohibited except as may be allowed under Section 506-8(J).
- R. Interstate Highway Signs, designed to be visible to freeway traffic, are prohibited.

#### **Section 506-4 Measurement Standards**

Sign face area, sign height and sign location shall be measured according to the following standards.

A. Sign Face Area

1. Wall or Ground Panel Signs, which have information displayed on a generally flat surface (either as a structural object or as a portion of the surface of a structure) shall be measured to include the entire enclosed surface area. In case of a double-sided ground sign, the allowable space shall apply to each face.
2. Non-Panel Signs (consisting of letters or characters which are individually attached to or painted on a building, wall, window or door or other structural element not designed or differentiated as a sign panel) shall be measured to include the surface area of the smallest single rectangle completely enclosing all of the letters or characters of the sign.
3. Three-dimensional Object Signs or any signs with three or more sides used as sign panels shall be measured to include all surface area that forms a part of the message conveyed by the sign.
4. Canopy signs shall be measured as a panel sign.

B. Sign Height

The height of signs supported from the ground shall be measured from the base of the sign at its point of attachment to the ground to its topmost element. However, if such sign is attached to a wall or other manmade base, including a graded earth mound, the sign height shall be measured from the grade of the general area.

C. Sign Location

To determine the location of signs in relation to property lines (including district and street lines), distances shall be measured from the vertical projection of the lot line or street right-of-way to the closest point on the sign.

**Section 506-5 Sign Permit Required**

- A. To assure compliance with these regulations, a Sign Permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of the section have been met.
- B. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.
- C. Temporary Sign Permits, where applicable, shall be issued for a maximum period of six (6) months and may be renewed for additional six (6) month periods, if required. Each Temporary Sign Permit shall be considered separate and distinct from all previous permits issued. At each renewal, a new permit shall be issued upon payment of appropriate sign fee.
- D. A sign initially approved for which a Sign Permit or Zoning Certificate has been issued shall not be modified, altered, or replaced, nor shall design elements of a building or lot upon which such sign is maintained be modified,

altered, or replaced if any such design element constituted a basis for approval of such sign, unless a new or amended Sign Permit is obtained consistent with these regulations.

**Section 506-6 Permanent Signs Permitted in All Districts Not Requiring a Permit**

- A. Professional Name Plates, not to exceed four (4) square feet. One (1) per location.
- B. Identification Signs denoting the name and address of the occupants of the premises not to exceed two (2) square ft. One (1) per location.
- C. Home Based Business Signs denoting the name and business when in direct relation to a home-based business, not to exceed two (2) square feet, unlighted and a maximum of five (5) feet high. One (1) per location.
- D. Agricultural Products Signs advertising the sale of products produced on the premises, not to exceed twenty (20) square feet, unlighted.
- E. Signs Denoting "No Trespassing/No Hunting" type messages not to exceed two (2) square feet, not closer than six (6) feet from road right-of-way, nor closer than two hundred fifty (250) feet from any similar sign on property frontage.

**Section 506-7 Permanent Signs Permitted in Conservation (CD) and Residential (R-1, R-2, R-4) Districts Requiring a Permit (Also see Section 506-8J)**

- A. Public and Semi-Public Building Signage, consisting of signs appropriate to a church, school, community center or other public or semi-public building having the purpose of displaying the name or activities or services provided therein, having an area not exceeding twenty (20) square feet, maximum of five (5) feet high, direct or indirect lighting, wall or ground sign. One (1) per location.
- B. Subdivision Identification Signs, whose sole purpose is to identify the name of a completed residential subdivision or multi-family development, not to exceed six (6) square feet and a maximum of five (5) feet high. One (1) per each point of ingress to the completed project.

**Section 506-8 Permanent Signs Permitted in Commercial (C), and Light Industrial – Office (LI-O) Districts Requiring a Permit.**

- A. Public and Semi-Public Building Signage, consisting of signs appropriate to a church, school, community center or other public or semi-public building having the purpose of displaying the name and activities or services provided therein, having an area not exceeding twenty-five (25) square feet, maximum of five (5) feet high, direct or indirect lighting, wall or ground sign. One (1) per location.
- B. Standard Business/Professional Building Signage, intended for a single business/professional building, shall consist of not more than two (2) exterior signs erected for the purpose of advertising the business or service conducted

on the premises. Not more than one (1) wall sign or one (1) ground sign is allowed, but one of each is allowed.

- C. A Wall or Building Face Sign may be affixed flat against the wall or can project not more than eighteen (18) inches.
- D. A Flat Sign affixed flat to the face wall may not cover more than ten percent (10%) of the building or face wall of the building to which the sign is affixed and shall not exceed fifty (50) square feet.
- E. A Projecting Sign shall not exceed ninety percent (90%) of the width of the building being identified and a minimum of ten percent (10%) of the building width is to remain open with at least five percent (5%) on each end. The bottom shall be at least ten (10) feet above the finished grade of the building and not over four (4) feet in height. Maximum size of sign is fifty (50) square feet.
- F. A Canopy Sign, either unlit or internally lit, shall be considered the same as a Projecting Sign.
- G. A Ground Sign may be erected in the front yard parcel upon which the building stands, stating the business or professional name only, not to exceed twenty-five (25) square feet per side, maximum height of five (5) feet, and shall be an integral part of the front yard landscaping.
- H. Gasoline/Service Stations may add a sign no larger than six (6) square feet and five (5) feet high for the purpose of advertising price. The sign is subject to normal setback and yard requirements, and when placed on top of a ground sign, the maximum height will be seven (7) feet.
- I. Business Center Signage, intended for buildings built as a coordinated unit or a building containing more than one business unit, shall consist of a maximum total sign area affixed on the building equal to one (1) square foot for each lineal foot of building frontage.
- J. Billboard signs used to advertise a business, commodity service, entertainment or any other commodity or activity sold or conducted elsewhere than on the premises where the off-premises sign is located, shall be classified as Business Use and shall conform to the following:
  - 1. Not more than one billboard shall be located on a lot. A billboard shall not be located nearer than 2,500 feet from another billboard. Billboards located within 3,000 feet of the right-of-way of Interstate 77, 271, or the Ohio Turnpike or any state route shall comply with all applicable federal and state regulations including O.R.C. § 5516.06 and § 5516.061.
  - 2. Nonresidential Districts – Billboards in nonresidential districts shall be regulated as a business use. Billboard shall not exceed thirty-two (32) square feet or a height of eight (8) feet. Such sign shall be located a minimum of forty (40) feet from the street right-of-way, twenty-five (25) feet from the side and rear property lines and 100 feet from a residential district.
  - 3. Residential Districts – Billboards in residential districts shall be regulated as a business use on land used for agricultural purposes. A

billboard shall not exceed twenty-four (24) square feet in area and six (6) feet in height. Such sign shall be located a minimum of forty (40) feet from the street right-of way, and 100 feet from the side and rear lot lines.

4. Any sign subject to regulation by the Ohio Department of Transportation (ODOT) under Ohio Revised Code Chapter 5516 and which is required to obtain a state permit shall not be issued a zoning certificate without evidence that the state permit has been issued, or notification from ODOT has been submitted that a permit is not required.

#### **Section 506-9 Temporary Signs In All Districts Not Requiring a Permit**

- A. Special Events Signs, advertising community or school events, up to a total of six (6) signs advertising any single event. Signs shall not be in excess of sixteen (16) square feet in area and conform to required setback and yard requirements. No signs shall be placed so as to create a hazard to traffic at curves or intersections. Signs may be displayed for a period no longer than twenty (20) days prior to announced events and must be removed no later than five (5) days following the event. No fee will be charged for the erection of signs, but failure to comply with the foregoing regulations will constitute termination of future privileges.
- B. Political Campaign Signs, advertising candidates or issues, may be permitted for a period not to exceed sixty (60) days before the elections concerned and shall be removed within ten (10) days after the election. The area of one sign shall not exceed sixteen (16) square feet. No sign shall be posted in any place or any manner that is destructive to public property upon posting or removal. No sign shall be posted in the public right-of-way, nor shall any sign be posted on a utility pole.
- C. Real Estate Signs, advertising the sale, lease, or rental of the particular building, or premises upon which it is displayed, shall not exceed twelve (12) square feet in area, except in residential districts where the area shall not be more than six (6) square feet, unlighted and a maximum of five (5) feet high. One (1) sign per location.

#### **Section 506-10 Temporary Signs Permitted in All Districts Requiring a Permit.**

- A. Real Estate Development Signs, whose purpose is to advertise for a specific and limited period of time, the development of the property on which it is located, upon issuance of a Temporary Sign Permit subject to Section 506-5(C). Sign shall be removed from the premises within fifteen (15) days of sale or rental thereof. Sign shall not exceed forty (40) square feet in area, nor shall it be located closer than twenty-five (25) feet from any street right-of-way.

#### **Section 506-11 Sign Setback Requirements and Special Yard Provisions**

- A. Signs, where permitted, shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet, except for Real Estate Development Signs whose setback is twenty-five (25) feet.
- B. For every square foot by which a permanent or temporary sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.
- C. Signs, where permitted, shall be erected, or placed in conformity with the side and rear yard requirements of the district in which the sign is located.

### **Section 506-12 Enforcement**

- A. Any sign now or hereafter existing, which no longer identifies or advertises a bona fide business, service, or goods conducted or offered for sale on the premises shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found, within ten (10) days after written notification from the Zoning Inspector. Upon failure to comply with such notice within the time specified in such order, the Zoning Inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located.
- B. If the Zoning Inspector shall find that any sign or other advertising structure regulated herein, is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is maintained in violation of the provisions of this Resolution, notice shall be given in writing by the Zoning Inspector to the certificate holder and the owner of thereof. If the certificate holder fails to remove or alter the structure to comply with the standards herein set forth within ten (10) days after such notice, such structure may be removed or altered by the Township to comply with these regulations at the expense of the certificate holder or owner of the property upon which it is located. The Zoning Inspector may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice.

### **Section 506-13 Non-Conforming Signs and Structures**

Advertising signs and structures in existence prior to the effective date of this Resolution that violate or are otherwise not in conformance with the provisions of Section 506 shall be deemed non-conforming. All such legal non-conforming signs and structures shall be maintained in accordance with this Section. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

### **Section 506-14 Loss of Legal Non-Conforming Status**

A legal non-conforming sign shall immediately lose its legal non-conforming status and therefore must be brought into conformance with this Resolution or be removed, if the

sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; if it is part of an establishment which discontinues operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed.

## **ARTICLE V**

### **ALTERNATIVE ENERGY SYSTEMS**

#### **Section 509 – Alternative Energy Systems**

##### **Section 509.01 – Purpose**

The purpose of this section is to accommodate alternative energy systems, including solar panels/systems, small wind energy systems and outdoor wood fired boilers in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the system. In addition, this section provides a permitting process for alternative energy systems to ensure compliance with the provisions of the requirements and standards established herein.

##### **A. Permitted Uses:**

###### **1. Solar Energy Panel/System**

- a. Solar panels may be installed on any surface of an existing structure, provided such installation does not result in violation of the permitted height exceptions of Section 301-4-B.
- b. Solar Panels may be installed as a free-standing array, provided the array meets all requirements for accessory structures in that district.
- c. Solar panels or systems shall be installed so the glare onto adjacent properties or right-of-way is minimize and does not create a Nuisance Element.

##### **B. Conditionally Permitted Uses**

#### **Section 509-02 - Wind Energy Systems**

The purpose of this section is to accommodate small wind energy systems in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the system. In addition, this section provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established herein. Small wind farms designed for or capable operation at an aggregate capacity of less than five (5) megawatts may be permitted under the following regulations.

- a) Wind energy systems shall be conditionally permitted pursuant to Section 701 in all zoning districts and no wind energy system shall be erected, constructed, installed or modified without first receiving a conditional use permit pursuant to Section 701.



- b) No wind energy system shall be erected, constructed, installed or modified without first receiving zoning compliance pursuant to Section 801.
- c) No wind energy system shall be erected, constructed, installed or modified without first receiving a building permit in accordance with the State of Ohio Building Code.

### **Section 509.03 – General Standards**

Wind energy systems shall be evaluated for compliance to the following standards:

#### **1. Minimum Setback**

- a) A wind energy system shall have a minimum setback at least one hundred ten percent (110%) of the total height from:
  - i. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
  - ii. Any future road right-of-way pursuant to the Summit County Thoroughfare Plan or thoroughfare plan of adjacent jurisdictions, where appropriate, unless written permission is granted by the governmental entity with jurisdiction over the proposed right of way.
  - iii. Any overhead utility lines.
  - iv. All property lines, unless the affected landowner provides written permission through a recorded easement allowing the wind energy system's minimum setback to overlap with the abutting property.
  - v. The minimum setback area for accessory structures under Section 301-4(O) and the requirements of each zoning district.
- b) A wind energy system shall have a minimum setback at least three hundred percent (300 %) of the total height from any occupied building not located on the property block served by the wind energy system.
- c) For self-supporting systems, the minimum setback shall be measured to the center of the system's base.
- d) For systems requiring guy-wire support, the minimum setback distance will be measured from the outermost location of the guywires, instead of the center of the system's base.

#### **2. Height:**

- a) The Total Height of a system shall not exceed 60 (sixty) feet in height and shall be measured from the system base.
- b) The applicant shall provide evidence that the proposed tower height of a tower mounted wind energy system does not exceed the height recommended by the manufacturer of the wind energy system.

3. Sound Level:

- a) Operation of wind energy systems shall not exceed forty-five (45) decibels, except during short-term events such as severe windstorms and utility outages. This information shall be obtained from the manufacturer of the wind energy system, and all readings shall be taken from the nearest neighboring property line not located within the defined property block. In the case of structure-mounted systems, the sound level shall not exceed the greater of 45 decibels or the sound level of other equipment (such as HVAC) also located on the structure.

4. Signs:

- a) All signs, both temporary and permanent, are prohibited on wind energy systems, except as follows:
  - i) Manufacturers or installer's identification on the wind energy system, not to exceed two (2) square feet, unlighted and a maximum of five (5) feet high. One per location.
  - ii) Warning signs and placards, not to exceed two (2) square feet, unlighted and a maximum of five (5) feet high. One per location.

5. Code Compliance:

- a) Wind energy systems shall comply with all applicable sections of the State of Ohio Building Code.

6. Aviation:

- a) Wind energy systems shall be built to comply with all applicable Federal Aviation Administration regulations. Evidence of compliance or non-applicability shall be submitted with the application.

7. Impacts: It is inherent that wind energy systems may pose some impacts due to the total height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to wind resources.

- a) The applicant shall demonstrate through project site planning and proposed mitigation that a wind energy system's visual impact will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind energy system design or appearance, buffering, and screening of ground mounted electrical and control equipment.
- b) The color of wind energy systems shall be painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. The applicant must demonstrate that all reasonable attempts to avoid potential for shadow flicker and/or signal interference will be taken.
- c) Wind energy systems shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the applicant shall provide a copy of the Federal Aviation Administration determination to establish the required markings and/or lights for the wind energy system. Approval of the lighting system by the Board of Zoning Appeals is a condition of approval.

9. Utility Connection:

- a) Wind energy systems proposed to be connected to the power grid through net metering shall adhere to Ohio Revised Code Section 4928.67.

10. Access:

- a) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- b) Ground mounted systems shall have either:
  - i. Tower climbing apparatus located no closer than fifteen (15) feet to the ground level at the base of the structure;
  - ii. A locked anti-climb device installed on the tower; or
  - iii. Shall be completely enclosed with a locked fence within twenty (20) feet of the base and at least six (6) feet in height to prevent uncontrolled access from unauthorized personnel.

11. Wiring and electrical apparatuses:

- a) All wires and electrical apparatuses associated with the operation of a ground mounted wind energy system shall be located underground.

12. Maintenance:

- a) All wind energy systems shall be maintained in good working order.
- b) Any physical modification to the wind energy system that alters the mechanical load, mechanical load path, or major electrical components shall require reapplication for conditional use under this section. Like kind replacements shall not require re-application. Prior to making any physical modification (other than like-kind replacement), the owner or operator shall request, in writing, a determination from the Township Zoning Inspector whether the physical modification requires reapplication for conditional use permit.

13. Multiple Wind Energy Systems:

- a) Multiple wind energy systems are allowed on a single property block so long as the owners/operators comply with all regulations set forth in Section 509.
- b) The minimum distance between tower mounted wind energy systems shall be equivalent to one hundred ten percent (110%) of the total height of the taller system.

14. Controls and Brakes

- a) All wind energy systems shall be equipped with a redundant braking system which must include:
  - i) Aerodynamic over-speed controls which include variable pitch, tip and other similar systems and,
  - ii) Mechanical brakes which must be operated in fail-safe mode.
- b) Stall regulation shall not be considered a sufficient braking system for over-speed protection.

**Section 509.04 – Procedure for Review**

- a) In accordance with Section 701 of the Richfield Township Zoning Resolution, a wind energy system shall be subject to receiving a conditional use permit prior to installation or modification thereof.
  - b) The issuance of a conditional use permit shall abide with the following requirements:
1. Site Plan Review: Prior to issuance of a zoning certificate, a site plan shall be submitted to the Board of Zoning Appeals for review. The following items shall be the minimum requirements for a completed application. The site plan shall include the following:
    - aa) Property lines and physical dimensions of the subject property block.
    - bb) Location, dimensions, and types of existing structures on the property block.
    - cc) Location of the proposed wind energy system(s), foundations, guy wires and associated equipment.
  - c) Minimum Setback area depicted as a radius around the center of the tower for a tower mounted wind energy system.
  - d) Any rights-of-way or proposed rights-of-way according to the Summit County Thoroughfare Plan of any public roads that are contiguous with the property block.
  - ff) Any overhead utility lines.
  - gg) Wind energy system specifications, including manufacturer, model, in addition to height, type and blade length, where applicable.
  - hh) Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a wind energy system if the wind energy system will be connected to the power grid.
  - ii) Foundation blueprints or drawings
  - jj) Elevation blueprints or drawings.
  - kk) Sound level analysis prepared by the wind energy system manufacturer or qualified engineer.
  - ll) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
  - mm) The site plan must be stamped by a professional engineer or surveyor licensed to practice in the state of Ohio.
  - nn) Map identifying all properties located within fifteen hundred (1500) feet of proposed system.
  - oo) All materials are required to be submitted by filing deadline, however, modifications to plans may be submitted up to one week before hearing date.

e) Zoning Compliance

1. A Zoning Certificate must be obtained in accordance with Section 801 of the Richfield Township Zoning Resolution.

f) Building Permit

1. Before commencement of construction, a Building Permit must be obtained in accordance with the State of Ohio Building Code.

**Section 509.05 – Decommission**

- a) At such time that a wind energy system is scheduled to be decommissioned or discontinued, the applicant will notify the Township Zoning Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
- b) Upon decommission or discontinuation of use, the owner shall physically remove the wind energy system within ninety (90) days from the date of decommission or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Township Zoning Inspector. “Physically remove” shall include, but not be limited to:
  1. Removal of the wind energy system
  2. Removal of any tower and other related above ground or rooftop structure.
  3. Restoration of the location of the wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation. may remain in the after-conditions.
- c) In the event an applicant fails to give such notice, the system shall be considered decommissioned or discontinued if the system is out of service for a continuous two-year period. After two (2) years of inoperability, the Zoning Inspector may issue a Notice of Abandonment to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Decommission within 30 days from Notice receipt date. The Zoning Inspector shall withdraw the Notice of Decommission and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been decommissioned.
- d) If the owner fails to respond to the Notice of Decommission or if after review by Zoning Inspector it is determined that the wind energy system has been decommissioned or discontinued, the owner of the wind energy system shall remove the wind energy system, tower and other related above ground structures at the owner’s sole expense within three (3) months of receipt of the Notice of Decommission.

### **Section 509.06 – Temporary Anemometer**

- a) The construction of a Temporary Anemometer tower for the purpose of collecting data to develop a wind energy system, shall abide with the following requirements.
  - 1. The construction, installation or modification of a Temporary Anemometer tower shall require a zoning certificate and shall conform to all applicable sections of the state of Ohio Building Code.
  - 2. Temporary Anemometer towers shall be permitted on a temporary basis not to exceed eighteen (18) months.
  - 3. Temporary Anemometer towers shall adhere to the wind energy system standards as described in Section 509.03 and shall be shown on the Site Plan.

### **Section 509.07 – Violation**

- a) It is unlawful for any person to construct, install, or operate a wind energy system or meteorological tower that is not in compliance with these regulations or with any condition contained in the site plan review issued pursuant to these regulations. Wind energy systems or meteorological towers installed prior to the adoption of this ordinance are exempt.

### **Section 509.08 – Variance Provisions**

- a) The Board of Zoning Appeals may waive the height and/or sound level requirement in cases where the applicant can demonstrate unique property circumstances, such as large land area, substantial setbacks and greater distances to occupied structures not located on the property block served by the wind energy system. Variances for heights over 120' or sound levels over 45 dB, but not to exceed 55 dB should only be granted in cases where exceptionally unique property circumstances can be demonstrated.

### **Section 509.09 - Outdoor Wood-Fired Boilers**

- a. Shall be located in the side or rear yard only, unless located on a Flag Lot and set back at least three hundred (300) feet from any road rights-of-way.
- b. Shall be located at least one hundred fifty (150) feet from any adjoining property line.
- c. Shall be located at least three hundred (300) feet from any occupied structure not located on the subject property.
- d. Shall be limited to burning manufacturer-recommended fuels for their system and shall further be prohibited from burning the

following materials: garbage, tires, rubber or plastic-coated wire, materials containing plastic or rubber, creosote-impregnated materials, petroleum products or waste, paint or paint thinners, chemicals, wall board, manure, animal carcasses or asphalt products.

- e. Shall be listed as a model meeting or exceeding standards for Phase 2 certification under the EPA Outdoor Wood-Fired Hydronic Heater Emission Certification Program and visibly display at all times the white tag certifying the unit as a Phase 2 model.
- f. Shall meet all manufacturer requirements for the height and construction of the chimney/stack, as well as all requirements of the Residential Building Code of Ohio.
- g. Operation is permitted only during the established burning season, from September 15 through May 1, unless special circumstances warrant the Board of Zoning Appeals extending the season of operation.
- h. As a condition of approval of use, the property owner will provide for access to the property for inspection of the system by Richfield Township during periods of operation, to determine compliance with all regulations.
- i. Shall not be operated in any manner to constitute a Nuisance Element.



## **ARTICLE VI**

### **NONCONFORMING USES**

#### **Section 601 Purpose**

The purpose of this Section is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Resolution or amendments thereto.

#### **Section 601-1 Regulations**

The lawful use of any building or land existing at the effective date of this Resolution or amendments thereto may be continued, although such use does not conform with the provisions of this Resolution.

##### **A. Alterations**

A nonconforming structure or site may be enlarged, maintained, repaired or altered, provided however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the existing nonconformity of all or any part of such structure or site, unless otherwise permitted in this resolution.

##### **B. Nonconforming to Nonconforming Use**

A nonconforming use may be changed to another nonconforming use, provided that the proposed nonconforming use is in less conflict with character and use of the district than the existing nonconforming use as determined by the Board of Zoning Appeals.

##### **C. Restoration**

Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure, damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution wherein the expense of such work does not exceed sixty percent (60%) of the replacement cost of the building or structure at the time such damage occurred.

##### **D. Construction Approved Prior to Resolution**

Nothing in this Resolution shall prohibit the completion of construction and use of a nonconforming building for which a Zoning Certificate has been issued prior to the effective date of this Resolution or any amendment thereto, provided that construction is commenced within ninety (90) days after the issuance of such certificate, that construction is carried on diligently and without interruption for a

continuous period in excess of thirty (30) days, and that the entire building shall have been completed within two (2) years after the issuance of said Zoning Certificate.

#### E. Displacement

No nonconforming use shall be extended to displace a conforming use.

#### F. Discontinuance or Abandonment

Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with the provisions of this Resolution.

#### G. Unsafe Structures

Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

#### H. Certificate of Nonconforming Use

1. Within one (1) year of the effective date of this Resolution the Zoning Inspector shall issue a "Certificate of Nonconforming Use" to all known owners of legal nonconforming use property, the use of which does not conform to the provisions of the use zone in which the property is located.
2. In accordance with the provision of this Section, no use of land, buildings, or structures shall be made other than that specified on the Certificate of Nonconforming Use unless said use shall be permitted in the zone in which the property is located or as permitted in Section 601-1-B.
3. A copy of each Certificate of Nonconforming Use shall be filed in the office of the Board of Zoning Appeals, and a copy given to the Zoning Inspector.

#### I. District Changes

I. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

## **ARTICLE VII**

### **CONDITIONAL ZONING CERTIFICATES**

#### **Section 701 Purpose**

To provide for issuance of a Conditional Zoning Certificate where conditionally permitted uses are provided for in this Resolution.

#### **Section 701-1 Procedures 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:

##### **Application Submitted to the Zoning Inspector**

Any application shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals on a special form for that purpose. Each application shall be accompanied by the payment of a fee in accordance with Section 801-5 hereof, which fee shall not be refundable. In addition, the Board of Zoning Appeals, where appropriate, and with the consent of applicant, may refer an application to qualified consultants 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 the expense of the applicant and said report shall be furnished to the Board of Zoning Appeals as soon as it is practicable.

##### **Data Required with Application**

Form supplied by Board of Zoning Appeals, completed by applicant.

Site Plan, plot plan, or development plan of the entire property being considered, drawn to scale and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings, their uses, and the acreage or area involved, including that for parking.

Plans and specifications for all proposed development and construction, and where appropriate, reclamation.

A statement supported by substantiating evidence regarding the requirements enumerated in Section 701-2 below.

##### **Review by the Board of Zoning Appeals and Zoning Commission**

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. In addition, the Board of Zoning Appeals can submit each proposed development to the Township Zoning Commission for review and recommendations. The Township Zoning Commission shall return this information in writing to the Board of Zoning Appeals as soon as practicable but in no case beyond the date determined by the following requirements. Such review by the Board of Zoning Appeals shall be completed and made public within ninety-five (95) days of the date of submission.

#### Hearing

After adequate review and study of any application 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.

#### Issuance and Revocation of Conditional Zoning Certificates-Violation and Penalty

Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board of Zoning Appeals authorize the issuance by the Zoning Inspector of a Zoning Certificate. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Resolution. Such violation shall be punishable as per Section 802.

#### Reapplication

No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals. At the expiration of one (1) year from the date of the original application, each reapplication shall be accompanied by a fee as established in Section 801-5 hereof.

#### Termination

The Conditional Zoning Certificate shall become void at the expiration of one (1) year after date of issuance unless the structure or alteration thereof is started.

#### Continuation of Existing Uses Conditionally Permitted

All uses existing at the time of passage of this Resolution, or amendments thereto, and conditionally permitted in their respective districts under this Resolution, shall be issued Conditional Zoning Certificates by the Board of Appeals, within one (1) year after the passage of this Resolution, or amendments thereto.

## **Section 701-2 Basis of Determination**

The Board of Zoning Appeals shall establish beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Board of Zoning Appeals may 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 Resolution will be observed.

### **General Standards**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

Will be harmonious with and in accordance with the general objectives or with any specific objective of the Land Use and Thoroughfare Plan of current adoption.

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 use will not change the essential character of the same area.

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

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

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 service.

Will be in compliance with State, County, and Township regulations.

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

## **ARTICLE VIII**

### **ADMINISTRATION, ENFORCEMENT AND ZONING CERTIFICATES**

#### **Section 801 Administration**

##### **Section 801-1 Zoning Inspector**

The Zoning Inspector shall be and act as the administrative officer for the purpose of effecting proper administration of this Resolution. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

##### **Section 801-2 Board of Zoning Appeals**

The Board of Zoning Appeals shall have the power to administer Article VII, Conditional Zoning Certificates of this Resolution and shall have the power to issue Conditional Zoning Certificates as specified and regulated in this Resolution.

##### **Section 801-3 Submission of Applications**

All zoning applications shall be submitted to the Zoning Inspector. Zoning Certificates may be issued when all applicable provisions of this Resolution have been met. No zoning review or certificate shall be required for: National Park Services (NPS) Park or Recreation Area (Dept. of Interior), National Forest (Dept. of Agriculture), State Park or Forest (Ohio Department of Natural Resources (ODNR)), Summit Metro Parks, Cleveland Metroparks, Richfield Joint Recreation District Parks or Richfield Township owned or operated property, building or facility.

##### **Section 801-4 Zoning Certificates Required**

Before constructing, or altering, any sign, structure, or building, including accessory buildings, application shall be made to the Zoning Inspector for a Zoning Certificate. The applications shall include the following information:

- A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon.
- The location, dimensions, grade, height, and bulk of structures to be erected.
- The intended use.
- The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
- The yard, open area, and parking space dimensions and locations.
- Conformance with Section 301-4(F).
- Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.

Within thirty (30) days after the receipt of application, the Zoning Inspector shall issue a Zoning Certificate if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee as indicated in Section 801-5.

Prior to issuance of any Zoning Certificate, the Zoning Inspector shall compare the Summit County Fiscal Office website layer for hydrology and potential riparian setback to the proposed structure and location and notify the Summit Soil and Water Conservation District if there appears to be a riparian issue.

The Zoning Certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use changed within one (1) year of date of permit, a new permit is required upon proper application.

In the application is for a Conditional Zoning Certificate, the application procedure defined in Section 701-1 shall be followed in lieu of the above regulations.

### **Section 801-5 Payment of Fees**

The fee for a Zoning Certificate or a Conditional Certificate shall be as stated in the Richfield Township Board of Trustee Fee Schedule. The same fee applies when asking for an interpretation or granting of a variance from the Board. The fee is non-refundable. When the Board of Zoning Appeals deems it necessary to maintain a strict record of public hearings, procedures, or that necessary special studies are made, the applicant shall bear all direct and related costs. The Board of Appeals shall establish two (2) dates a year at which time appeals may be heard without paying a fee for appeals relating to single-family residences and duplex residences only.

For all residential structures, the fee will be set in the Richfield Township Board of Trustees Fee Schedule.

For all business or commercial or industrial structures or additions, the fee will be set in the Richfield Township Board of Trustees Fee Schedule.

For public buildings or additions to same, the cost of which is borne by a tax supported agency – no fee.

For all temporary living quarters, a fee shall be set in the Richfield Township Board of Trustee Fee Schedule and shall be charged for each unit. The permit shall be good for a maximum of fourteen (14) days.

### **Section 802 Violations**

#### **802-1 Violations and Nuisances**

Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Resolution are declared to be a nuisance

per se. Any building or land use activities considered possible violations of the provisions of this Resolution that are observed by any Township official, or resident of Richfield Township shall be reported to the Zoning Inspector.

### **Section 802-2 Inspection**

The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions that are found to be in violation of this Resolution.

### **Section 802-3 Correction Period**

All violations shall be corrected within a period of thirty (30) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector in written order. Any violations not corrected within the specified period of time shall be reported to the County of Summit Prosecutor who shall initiate prosecution procedures.

### **Section 802-4 Penalties**

The owner or owners of any building or premises of part thereof where anything in violation of this Resolution shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder, or contractor who shall assist in the commission of any such violation, and any person who shall violate any of the provisions of this Resolution or fail to comply therewith, shall, for each violation of noncompliance be deemed guilty of a misdemeanor and upon conviction thereof, be fined no less than twenty-five (\$25) nor more than one hundred (\$100) dollars. Each day such violation or failure to comply shall exist shall constitute a separate offense.



## **ARTICLE IX**

### **BOARD OF ZONING APPEALS**

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

#### **Section 901-1 Composition and Appointment**

The Board shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated area of Richfield Township. Each member shall serve until his successor is appointed and qualified. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by the Trustees, after public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at this usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

#### **Section 901-2 Organization**

The Board shall elect a Chairman and a Vice Chairman from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.

#### **Section 901-3 Quorum**

Three (3) members of the Board shall constitute a quorum at all meetings. A concurring vote of three (3) members shall be necessary to affect an order, take action, make decisions, or act on any authorization.

#### **Section 901-4 Meetings**

The Board shall meet at the call of its Chairman and at such other times as it may determine. All meetings of the Board shall be open to the public.

#### **Section 901-5 Witnesses**

The Board Chairman or Acting Chairman may administer oaths and the Board may compel the attendance of witnesses in all matters coming within the purview of the Board.

#### **Section 901-6 Proceedings**

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records

of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall be a public record.

### **Section 901-7 Powers and Duties**

The Board of Zoning Appeals shall have the following powers:

The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.

The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed, and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Resolution.

The Board shall have the power to grant Conditional Zoning Certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in the Resolution.

### **Section 901-8 Appeals**

Appeals to the Board may be taken by any person or by any officer, board or department of Richfield Township, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector or any decision in which the Board has original jurisdiction. Such appeal shall be taken within twenty (20) days after the decision. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector whose decision is appealed shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed by other than a restraining order granted by the Board or by a court having lawful jurisdiction. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination as, in its opinion, ought to be done, and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken, and it may direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within thirty (30) days after date of hearing.

### **Section 901-9 Procedures**

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board shall be in writing and on the forms prescribed thereof. Every appeal or application shall refer to the

specified provision of the Resolution involved and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board by case number under one or another of the following headings:

Interpretation

Variances

Conditional Zoning Certificate

Together with all documents pertaining thereto.

### **Section 901-10 Notice of Hearings**

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the contiguous property owners and the applicant(s) making the request for appeal, at least ten (10) days prior to the date of any scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. Such hearings shall be advertised by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing. The Board, at its discretion, may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

### **Section 901-11 Decisions**

A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the same in the Zoning Certificate or Conditional Zoning Certificate to the applicant or appellant, whenever a permit is authorized by the Board. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

## **ARTICLE X**

### **AMENDMENTS TO ZONING RESOLUTION**

The Trustees of Richfield Township may, from time to time, amend by Resolution the number, shape, area, or regulations of districts established on the Zoning Districts Map or the regulations set forth in this Resolution.

#### **Section 1001-1 Initiation of Amendments**

Amendments to the Zoning Resolution may be initiated by:

Motion to the Township Zoning Commission, or

Passage of a resolution by the Board of Township Trustees and certification to the Township Zoning Commission, or

Filing of an application with the Township Board of Trustees by one (1) or more owners of property within the area proposed to be changed or affected by the proposed amendment to the Township Zoning Resolution.

#### **Section 1001-2 Contents of Application for Amendment to Zoning Resolution**

All applications for a zoning amendment shall include:

A. Evidence that the existing Zoning Resolution is unreasonable with respect to the particular property, and it deprives the property owner of his lawful and reasonable use of the land. For the purposes of this Zoning Resolution, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.

B. Evidence that the proposed amendment would materialize in an equal or better Zoning Resolution than that existing.

C. A statement giving the names and addresses of the owners of all properties lying within one thousand (1,000) feet of any part of the property, the zoning of which would be changed by the proposed amendment, if enacted.

#### **Section 1001-3 Public Hearing by Township Zoning Commission**

Upon the initiation of an amendment to the Township Zoning Resolution, the Township Zoning Commission shall set a date for a public hearing thereon, which shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given as follows:

A. By one (1) publication in one or more newspapers of general circulation in the Township at least fifteen (10) days before the date of such hearing, and

B. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within the contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the County Executive. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the County Planning Commission.

#### **Section 1001-4 Referral of Petition to County Regional Planning Commission**

Within five (5) days after the adoption of such motion of the certification of such resolution or the filing of such application the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission.

The County or Regional Planning Commission shall recommend the approval or disapproval of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.

#### **Section 1001-5 Action of the Township Zoning Commission**

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or disapproval of the proposed amendment or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the County Planning Commission thereon to the Board of Township Trustees.

#### **Section 1001-6 Public Hearing by Township Board of Trustees**

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

#### **Section 1001-7 Action of Township Board of Trustees**

Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.

Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees, a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

#### **Section 1001-8 Amendments to Definitions**

Whenever an amendment is made to Zoning Resolution, the appropriate definitions to such amendments shall be included in Article II hereof.

#### **Section 1001-9 Application Fee**

Any application for an amendment to the Zoning Resolution shall include a fee as set by the Richfield Township Board of Trustees "Fee Schedule." Set fee is non-refundable, to cover the cost of publishing and/or posting, mailing the notices of the hearing, and other expenses incident thereto. When the Zoning Commission deems it necessary special studies be made, the applicant shall bear all direct and related costs. Such fee shall not apply to any amendment initiated by the Trustees or the Township Zoning Commission.

## **ARTICLE XI**

### **VALIDITY AND SEPARABILITY**

If any Section, Subsection, or any provision or provisions of this Resolution, or amendments thereto, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building, or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution or amendments thereto shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

## **ARTICLE XII**

### **REPEALER**

All existing Resolutions of Richfield Township, Ohio, inconsistent herewith, are hereby repealed.



## **APPENDIX 1**

### **Section 403 R-2 Residential District (Retired by amendment 02/28/02)**

#### **Section 403-1 Purpose**

This district is established to accommodate single-family dwellings in areas that may reasonably be expected to be provided with central sewer and water facilities in the future. The stipulated densities are intended to maintain the suburban character of the community.

#### **Section 403-2 Uses**

##### **A. Permitted Uses**

##### **1. Single-Family Dwelling.**

2. Accessory Buildings, incidental to the principal use, such as Secondary Private Garages, Tool Sheds, Storage Buildings, Recreational Buildings, etc. and which do not include any activity conducted as a business. These buildings must abide by all yard requirements. No more than one accessory building is permitted per lot acre.

3. Swimming Pools - Private Residential swimming pools as defined in Article II shall be considered as structures for the purpose of permits and these regulations and shall conform to all required yard setback lines. All swimming pools shall be suitably secured so as to prevent uncontrolled access. All in-ground pools shall be secured by a fence not less than four (4) feet in height and not more than six (6) feet in height. Pool fences shall be constructed so as to have no openings, holes, or gaps larger than 3 inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion. Above-ground pools having vertical surfaces of at least 4 feet in height shall be required to have fences and gates only where access may be had to the pool. The construction, plumbing and electrical requirements, inspections, and other safety facilities shall comply with all applicable county or state codes.

##### **4. Home occupation subject to:**

a. Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.

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

c. Such use shall be conducted only by persons residing in the dwelling unit.

- d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
  - e. The use shall not involve the use of more than thirty-three and one-third (33 1/3) percent of the floor area of only one (1) story.
  - f. One (1) unlighted name plate not more than two (2) square feet in area announcing the name and home occupation shall be permitted.
  - g. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, excessive vehicular traffic or other causes.
  - h. Vehicular traffic shall be limited to no more than two (2) cars at any one time.
5. Fences, Walls, and Hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be taller than:

- a. Fences - Forty-eight (48) inches above the grade and at least fifty (50) percent of the surface is opened to light and air.
- b. Walls + Hedges - Thirty (30) inches above grade

The side of the front yard is the area between the building line of the house and the road right-of-way. If a house is set back greater than the required setback, the fence, wall, or hedge must maintain the front yard requirements until it is at the required setback distance from the road right-of-way at which point it can be considered part of the rear yard and be covered by the provisions for rear yard fences, walls and hedges.

Fences, walls, or hedges may be permitted along the side or rear lot lines to a height of not more than six (6) feet above the grade provided at least twenty-five (25) percent of the vertical surface of any fence or wall shall be open to light and air; and that any fence, wall or hedge shall be maintained, will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous or disturbing to existing or future neighboring uses.

Solid walls and solid fences in the rear yard shall conform to all required setback lines for yards.

6. Television Satellite Dishes larger than 28" in diameter shall be considered structures, requiring a permit and subject to sideline and rear setbacks applicable to the district. However, the dish shall not be located in the "front yard" area. The area surrounding the

dish shall be landscaped to minimize visual impact on the adjoining property owners and screening shall consist of dense evergreen shrubs placed to create a substantially opaque visual barrier, Landscaping shall be completed within one hundred eighty (180) days of installation of the satellite dish.

7. Signs - See Section 506 Sign Regulations

8. Porches, Decks and Patios-

- a. A Porch is considered a part of the house and is structurally connected to the house. A porch has a roof and floor and must abide by the same setbacks as the house.
- b. A Deck is a horizontal platform structure with the floor raised above the natural grade level. Decks are not enclosed by walls, nor do they have roofs and can or cannot be structurally connected to the dwelling. Decks must abide by the same setbacks as the house.
- c. A Patio is a horizontal platform structure made of concrete, mortared brick, mortared stone, or other like construction. A patio with a footer or foundation is considered a structure requiring a permit and must abide by the same setbacks as the house. A patio consisting of pavers or stone placed on the surface of the ground without a footer or foundation does not require a permit.

9. Solar Energy Panel/System – See Section 509 Alternative Energy Systems

10. Minimum of one hundred (100) acre park or recreation use subject to:

- a. Passive uses allowed that do not involve:
  - i. the construction of any facilities or conversion of use of any existing buildings or structures
  - ii. the use of motorized vehicles or other equipment, other than for maintenance or repair
  - iii. events promoted or organized by outside interests for a fee-based use or activity such as foot or bike races, music festivals, art fairs, conferences or conventions
- b. Such uses shall be located on Major or Minor Collector roads or Local roads that are not interior roads in a subdivision.
- c. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two minor arterial streets; or no closer than one hundred (100) feet from the intersection of a minor arterial and a collector street, or from the intersection of two collector streets.

- d. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- e. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- f. There shall be no more than one (1) identification sign identifying the ownership/use oriented to each abutting road; wayfinding signs placed on property interior are allowed.
- g. All equipment and/or material shall be stored within an enclosed building when not in use.
- h. The property shall be maintained in a neat, orderly condition and landscaped to be harmonious with surrounding uses.
- i. Facilities to accommodate parking, restrooms and traffic access must be provided as necessary for the proposed use.

## B. Conditionally Permitted Uses

### 1. Public, parochial and private schools subject to:

- a. Loudspeakers which cause a hazard or annoyance shall not be permitted.
- b. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- c. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- d. Elementary school structures should be located on a collector thoroughfare.
- e. Such uses should be properly landscaped to be harmonious with surrounding residential uses.

### 2. Park or recreation use under 100 acres, or having any of the following:

- a. the construction of any facilities or conversion of use of any existing buildings or structures.
- b. the use of motorized vehicles or other equipment, other than for maintenance or repair.

- c. events promoted or organized by outside interests for a fee-based use or activity such as foot or bike races, music festivals, art fairs, conferences or conventions.
- d. paving of any area other than parking or foot trails (for accessibility).
- e. uses that are active or not recreational in nature.
- f. pole lighting over twenty-five (25) feet in height.

Subject to:

- a. Such uses shall be located on Major or Minor Collector roads or Local roads that are not interior roads in a subdivision.
- b. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two minor arterial streets; or no closer than one hundred (100) feet from the intersection of a minor arterial and a collector street, or from the intersection of two collector streets.
- c. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- d. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- e. There shall be no more than one (1) identification sign identifying the ownership/use oriented to each abutting road; wayfinding signs placed on property interior are allowed.
- f. All equipment and/or material shall be stored within an enclosed building when not in use.
- g. When the proposed use is adjacent to an existing residential use, buffering of buildings or other active-use areas shall be provided by a minimum setback of one hundred (100) feet and landscape & bufferyard area, as described in Section 420-4(H)6.
- h. The property shall be maintained in a neat, orderly condition and landscaped to be harmonious with surrounding uses.
- i. Facilities to accommodate parking, restrooms and traffic access must be provided as necessary for the proposed use.

3. Cemetery subject to:

- a. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares: or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- b. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.

4. Church and other buildings for the purpose of religious worship subject to:
  - a. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares: nor no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
  - b. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
  - c. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
  - d. Such structure should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
  - e. All permitted installations shall be maintained in a neat, orderly condition to prevent injury to any single property, any individual or to the community in general.
5. Clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to:
  - a. Loudspeakers that cause a hazard or annoyance shall not be permitted.
  - b. All points of exit or entrance should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares: or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
  - c. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
  - d. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
6. Public utility rights-of-way and pertinent structures.
7. Fences and walls subject to:
  - a. No fence or wall shall be built higher than eight (8) feet from grade level.

b. Drawings showing fence location and property lines and other structures on the property shall be provided.

c. Such fences and/or walls shall not constitute a safety hazard to vehicular or pedestrian traffic.

d. Fences and/or walls shall be constructed in such a way as to maximize the surface area open to light and air while still allowing the structure to be functional.

8. Governmentally owned and/or operated building or facility subject to:

a. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; nor no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.

b. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.

c. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial districts.

d. Such uses should be properly landscaped to be harmonious with surrounding residential uses.

9. Two Family Dwelling

a. The attached dwelling unit is to be used to provide a separate dwelling unit for relatives of the family living in the primary dwelling unit or

b. To provide living quarters for the use of persons employed on the premises or

c. To provide temporary quarters for guests of the family living in the primary dwelling.

d. The second dwelling shall not be used as a rental property.

e. The second dwelling unit shall contain a minimum of 550 square feet.

10. Wind Energy Systems – See Section 509 Alternative Energy Systems

11. Outdoor Wood-Fired Boilers – See Section 509 Alternative Energy Systems

### **Section 403-3 Lot Requirements**

A. Minimum Lot Area Per Dwelling Unit - Two (2) acres, One and one half (1-1/2) acre with sewer and water.

B. Minimum Lot Width - Two hundred (200) feet, One hundred fifty (150) feet with sewer and water.

C. Minimum Lot Frontage - Fifty (50) feet of frontage on a public dedicated road

### **Section 403-4 Yard Requirements**

A. Minimum Front Yard Depth - Eighty-five (85) feet.

B. Minimum Rear Yard Depth - Sixty (60) feet.

C. Minimum Side Yard Width on Each Side - Twenty (20) feet.

Section 403-5 Maximum Building Height -Thirty-five (35) feet.

Section 403-6 Off-Street Parking - As regulated by Article V hereof.