



*Planning Commission*  
App. No. 055-2016-TA  
**Zoning Text Amendment**  
Litchfield Township

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**Meeting:** July 6, 2016  
**Applicant:** Litchfield Township Zoning Commission (LTZC)  
**Hearing:** TBA (Zoning Commission)  
**Amendment:** Rewrite of Articles 1-3, 5, 8 and 9 of the Litchfield Township Zoning Resolution (LTZR)  
**Reviewer:** Susan Hirsch

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**Proposal:** The Litchfield Township Zoning Commission proposes to amend Articles 1-3, 5, 8 and 9 of their Zoning Resolution. The LTZC has been working with the Department of Planning Services and the Prosecutor's Office since June of 2013 when proposed revisions for Articles 1-3 were first submitted. Subsequently, a Text Amendment for Articles 1-3 was heard by Planning Commission at their October 7, 2015 meeting and an Informal Review for Articles 1-3, 5, 8 and 9 was conducted in November of 2015.

**General Comments:** There are several concerns, both substantive and organizational, that occur throughout this Zoning Resolution for which the Staff Comments need to be explained in more detail:

1. **"Buildable" parcels:** During one of the Informal Reviews of the proposed rewrite, it was suggested that the word "buildable" should be inserted before "parcel" to insure that the regulations applied only to parcels that can meet zoning requirements. However, the definition of parcel/lot (A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required.) alleviates the need to insert "buildable" throughout.
2. **Frontage and rear parcels:** The Resolution is written with each zoning district providing regulations for a frontage parcel and a rear parcel. As a result a large portion of the text is duplicative. It is suggested that the Zoning Resolution be written for parcels with frontage on a public or private street. Additionally, there would be a separate section for rear parcel development. The uses and setbacks, other than the front yard setback for rear parcels, would be the same and would follow the district regulations. (The Department of Planning Services would be willing to work the Township to make this transition).
3. **Site plan requirements:** Throughout, there is a requirement for a site plan whenever there is any change or alteration for any non-residential use. Staff suggests that changes that have minor impact, i.e. no more than 10 or 20% enlargement or addition, would not need a site plan, or have a site drawing that is reviewed by the Zoning Inspector. The site plan would be a lot less involved than a full Site Plan as stated in Section 601.
4. **Organizational changes that would shorten the document and make it more user-friendly:** In addition to the suggestion that Rear Parcel requirements be consolidated, there are other regulations that appear in each zoning district. They could be located in General Regulations with a statement that they apply to all, or a select number of zoning districts:
  - For example, Sections 304.03.7, 305.03.7, 306.03.7, 307.03.07 and 308.03.7 Road Right-of-Way are identical; and

- Introductory paragraph for the Sections on Buffer Zone Minimum Area Requirements is identical in each of the zoning districts.

**Recommendation:** Staff recommends the MCPC **APPROVE WITH MODIFICATIONS** the proposed amendments to Articles 1-3, 5, 8 and 9 of the Litchfield Township Zoning Resolution, subject to Staff Comments.

**Note:** Staff comments are indicated by an *\* and red italicized text*. Prosecutor comments are indicated by *\*\* and blue italicized text*. Zoning Commission comments are indicated by *green italicized text*, insertions are **bold and underlined**, and ~~strikeout text~~ indicates deletions. Highlighted text indicates items for discussion.

**LITCHFIELD TOWNSHIP ZONING RESOLUTION  
-Contents-**

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**Article I. INTRODUCTION**

NOW, THEREFORE, BE IT RESOLVED, that this Zoning Resolution has been adopted by the Board of Trustees of Litchfield Township:

WHEREAS, This Zoning Resolution has been adopted by the Board of Trustees of Litchfield Township deems it in the interest of the public health, and safety, convenience, comfort, prosperity and general welfare of said ~~the~~ Township and its residents to establish as a general plan of zoning for the it's unincorporated area of said Township. Litchfield Township has adopted, pursuant to law, **This is an affirmative code regulation.** Uses which are omitted from this Resolution as not being specifically permitted shall be considered prohibited. *\*The Introduction section is not a logical location for the affirmative code statement. Staff suggests deleting the last two sentences at this location and moving them to Section 104 Interpretation. Also, since all of Litchfield Township is unincorporated, Staff further recommends that the above paragraph end after the word "zoning".*

**SECTION 101. PURPOSE**

For the purpose of promoting public health, and safety, convenience, comfort, prosperity and general welfare of the residents of the unincorporated areas of Litchfield Township, Medina County, Ohio; to conserve and protect property and property values... to manage orderly growth and development in said Township, the Board of Trustees has found it necessary and advisable to adopt these zoning regulations as a comprehensive plan of zoning which will regulate the location, height, bulk, number of stories, size of buildings and other structures, including tents, cabins, and trailer coaches, percentage of lot area which may be occupied, set back building lines, sizes of yards ~~of~~ **and** other open spaces, the density of population, the uses of buildings and other structures **including tents, cabins, and trailer coaches**, and the use of land for trade, industry, residence, recreation or other purposes and for such purposes divides the unincorporated area of Litchfield Township into zoning Districts and to provide for the administration and enforcement of such regulations.

**SECTION 104. INTERPRETATION**

In interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of public health, ~~and~~ safety, convenience, comfort, prosperity and general welfare. Nothing herein shall repeal, abrogate, annul or in any way impair or interfere with any provisions of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where this Resolution imposes greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Resolution. This is an affirmative regulation. Uses which are omitted from this Resolution as not being specifically permitted shall be considered prohibited. *\*Staff suggests adding the affirmative regulation statement at this location.*

**Article II. GENERAL ZONING REGULATIONS** (Previously Section 103)

210	<del>Storage Building</del> <b>Reserved For Future Use</b>
213	<del>Radio Communication Antennas</del> <b>Reserved For Future Use</b>
221	<del>Recreational Camping</del> <b>Reserved For Future Use</b>
224	<del>Visual Relief Screening Requirements</del>

**SECTION 201. ZONING COMPLIANCES**

Prior to beginning any new construction, enlargement, or alteration of a building/structure, application for and issuance of a Zoning Certificate must be obtained from the Zoning Inspector. No building or structure shall be erected, converted, enlarged, reconstructed, structurally altered, nor shall any building, structure or land be used in a manner which does not comply with all of the District provisions established by this Resolution for the District in which the building, structure or land is located. **This is an affirmative regulation.** Uses which are omitted from this Resolution as not being specifically permitted shall be considered prohibited. A change of use as determined by the Zoning Inspector, Medina County Building Department, Medina County Health Department or appropriate County authority, shall require a new Zoning Certificate. *\*Statement concerning uses not specifically permitted can be restated at this location but it is not necessary. \*\*The determination of change of use for zoning purposes must rest with the Township, and are made generally by the Zoning Inspector.*

**SECTION 202. USES EXEMPTED FROM TOWNSHIP ZONING - ALL DISTRICTS**

**202.01 Public Utilities and Railroads are regulated under the Ohio Revised Code**

Nothing contained in this Resolution shall prohibit the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land ~~by~~ **for the** operation ~~of~~ **of** its business except as it relates to Telecommunication Towers under Section 519 **division (B) or (C)** of the Ohio Revised Code.

**202.03 Agriculture as defined in Chapter 519 of the Ohio Revised Code**

Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land which said buildings or structures are located in any District with the following exceptions; ... *\*\*Section 519.21 of the Revised Code does grant some agriculture control in specific subdivisions which you may want to enact so they are in place if such situations do arise. \*Zoning Commission will address agriculture control in subdivisions at a later time.*

~~205.01.3~~ **202.03.1** Farm Markets defined under Section 519.01, 519.21 of the Ohio Revised Code...

**202.03.2** Roadside stands ~~consisting of temporary removable structures,~~ used solely for the seasonal display and sale of agricultural products, shall be set back a minimum of thirty (30) feet from the center of the road and **are subject to District setback building lines, side yard and rear yard clearances.** ~~height, size regulations shall have a side yard clearance of no less than five (5) feet.~~

**SECTION 203. NUISANCES PROHIBITED**

No use shall be allowed or authorized to be established which is not in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed as hazardous, noxious, or offensive due to the emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matter, and/or water carried wastes **of which will interfere with adjacent landowners enjoyment of the use of their lands**. This shall include the non-permitted use of any land, building or structure, whether for private, commercial and/or industrial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, disabled motor vehicles, paper, rags, rubber, cordage, barrels, carpet, outdoor play equipment or toys, are sold or stored for more than thirty (30) days, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled. In addition, the dumping, storing, burying, reducing, disposing of, or burning of rubbish is prohibited. *\*Generally, nuisances are handled as a police item not zoning, and the non-permitted use of land, buildings etc. would not be classified as a nuisance. Staff suggests omitting Section 203.*

**SECTION 204. RIPARIAN SETBACK REQUIREMENT**

No building/structure or paved area, including driveways and parking areas shall be located closer than thirty (30) feet to the edge of any river, stream, creek, channel or designated wetland with the exception of structures used ~~for~~ **with** vehicular and/or pedestrian traffic crossings over the waterway. The setback area shall be provided along the entire length and on both sides of the river, stream, creek or channel as measured from the ordinary high water mark.

**SECTION 206. BUILDINGS AND STRUCTURES REGULATIONS – ALL DISTRICTS**

**206.01 Construction Begun Prior to Zoning Changes**

Nothing contained in these regulations shall hinder the construction of buildings or structures or prohibit its use where construction has started before the effective date of these regulations provided that a valid Zoning Certificate has been obtained ~~and that such buildings shall be completed within two (2) years from the passage of the regulations. An extension beyond the two (2) year effective period may be requested from and granted by the Zoning Inspector.~~ (See Section 603 of this Resolution)

**206.05 Water Supply Requirements**

No dwelling, building or structure requiring the use of indoor plumbing shall be constructed unless reasonable provision is made for an adequate, dependable, pure water supply from a public system, drilled well, cistern, dug well, or spring, in accordance with the Medina County Health ~~Department~~ **code**.

**SECTION 207. SINGLE-FAMILY DWELLING SIZE & HEIGHT REQUIREMENTS – ALL DISTRICTS RESIDENTIAL DWELLING REQUIREMENTS**

**207.01 Residential Dwelling Requirements**

TYPE	LIVING FLOOR AREA	HEIGHT	ZONING CERT	SECTION
New construction of residential dwelling	1,200 sq. ft. minimum 4 living unit total	Less than 35 ft	Required	207.02, 603
External modification or enlargement of dwelling	No min. or max. sq. ft. 4 living unit total	Less than 35 ft	Required	603

All ~~Residential~~ dwellings, are limited to a maximum of one (1) **principal dwelling** living unit and must be affixed to a permanent foundation with connections to appropriate water and sewage/septic facilities. ~~Every residence~~ **The structure** shall have floor area designed and used for a ~~single~~ **principal dwelling unit** living space of not less than twelve hundred (1,200) square feet. The **floor area** living space for a single story residence ~~structure~~ **structure** shall be considered as the outside measurement of the foundation or foundation walls. In a two-story residence ~~structure~~ **structure**, **floor area** living space shall be considered as the outside measurement of the foundation or foundation walls plus the outside measurement of the second story structure. Excluded from **floor area** living space minimum square foot measurements are attics, basements, porches, garages, stoops, breezeways, or terraces in both single and two-story residences ~~structures~~. *\*Suggest rewording the first two sentences as follow:*

*Residential structures are limited to a maximum of one dwelling unit and must be affixed to a permanent foundation with connections to appropriate water and sewage/septic facilities. The structure shall have floor area designed and used for a single dwelling unit of not less than twelve hundred (1,200) square.*

**207.02 Manufactured Home Requirements**

TYPE	LIVING FLOOR AREA	HEIGHT	WIDTH	ZONING CERT.	SECTION
New construction of manufactured home	1,200 sq. ft. min. <del>4 living unit total</del>	Less than 35 ft	22 ft. Min.	Required	<del>208.02,</del> <b>603</b>
External modification or enlargement of dwelling	No min. or max. sq. ft. <del>4 living unit total</del>	Less than 35 ft	No min or max.	Required	603

Only ~~Manufactured~~ homes as defined under the Ohio Revised Code **Division (c)(6) Section 3781.06** built after January 1, 1995 having a permanent label or tag certifying compliance with all applicable federal construction and safety standards are permitted for **residential** dwelling use. **All residential dwellings are limited to a maximum of one (1) principal dwelling unit and must** ~~The structure shall be affixed to a permanent masonry, concrete footing or foundation with connections to appropriate water and septic facilities. The structure shall have total floor area designed and used for a single principal dwelling unit living space of not less than nine hundred (900) one thousand, two hundred (1,200) square feet. The floor area living space shall be considered as the outside measurement of the structures exterior walls. Excluded from floor area living space minimum square foot measurements are attics, basements, porches, garages, stoops, breezeways, or terraces. A minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch (6) minimum eave overhang, including appropriate guttering is required.~~ *\*Staff suggests eliminating the first "dwelling" in line three; eliminating the word "principal" in line four; and retaining the word "single" and eliminating the word "principal" in line six.*

**207.03 Temporary Dwelling Unit**

**No more than** one (1) travel trailer, motor coach or mobile home may be temporarily used as a residence **temporary residential dwelling unit** on a parcel while a permanent residential dwelling is under construction. A Zoning Certificate is required and is renewable every three (3) months for a maximum of one (1) year. *\*Will utilities be required for a temporary dwelling unit, and if so, how?*

**207.04 Dwelling Unit Restriction**

No more than one (1) principal residential dwelling unit of any type shall be permitted on a parcel unless otherwise specifically stated in this Resolution. Other buildings located on the parcel are classified as accessory or incidental to the residential use and subject to the requirements of Section 209 of this Resolution. *\*Suggest omitting the word "unit" in line one.*

**SECTION 209. ACCESSORY BUILDINGS OR STRUCTURES**

**209.01 Accessory Buildings or Structures**

An accessory building or structure is a subordinate building or use customarily incidental to and located upon the same parcel and zoning district occupied by the Principal building and use. Accessory buildings or structures that are either constructed on-site, or pre-manufactured or repurposed, shall comply with the District parcel area and placement regulations of which said structures are located. Accessory buildings or structures shall not be used as a permanent or temporary residence, dwelling unit or living area at any time in any District unless otherwise specifically stated in this Resolution. *\*Delete reference to zoning district.*

**209.01.1 Accessory Building or Structure for a Residential Use**

AREA	HEIGHT	ZONING CERTIFICATE	SECTION
144 sq. ft. or less	Less than 35'	Not required	
145 sq. ft. or greater	Less than 35'	Required	603

A Zoning Certificate is required, unless otherwise stated in this Resolution, for the enlargement of an existing accessory building or structure including the adjoining of, another building or structure, which thereby increases the total square footage over one hundred and forty-four (144) square feet. No Zoning Certificate shall be issued for any accessory building or structure unless a legal residential dwelling exists on the same parcel and ~~is located in the same zoning district~~, or unless an unexpired Zoning Certificate for a proposed residential dwelling is in effect. *\*Delete reference to same zoning district. Consider a reduced height for accessory building or structure under 144 sq. ft.*

**209.01.2 Accessory Building or Structure for a Commercial, Industrial and Conditional Use**

AREA	MAX. HT.	ZONING CERTIFICATE	SECTION
144 sq. ft. or less	Less than 35 ft.	Not Required	603
145 sq. ft. or greater		Approved site plan required	211, 601, 602, 603

An Approved Site Plan and Zoning Certificate is required, unless otherwise stated in this Resolution, for any enlargement of an existing accessory building or structure including the adjoining of, another building or structure, which thereby increases the total square footage over one hundred and forty-four (144) square feet. *\*Consider a reduced height for accessory building or structure under 144 sq. ft. \*\*Do you really want to impose a full site plan requirement? Could be a big cost in money and time for enlargement which may have no significant impact on existing plan.*

**209.02 Accessory Building Dwelling Unit (ADU)**

An ADU is defined as a habitable living dwelling unit that provides the basic requirements for living, sleeping, eating, cooking and sanitation, and is subordinate in size to the Principal Building and Use.

**209.02.2 Commercial, Industrial and Conditional Use**

LOCATION	AREA	HEIGHT	ZONING CERTIFICATE	SECTION
Principal building	1,200 sq. ft. max	Less than 35 ft.	Required only if external modification or enlargement	601, 602, 603

No more than one (1) ADU may be located within a Principal Commercial, Industrial or Conditional Use Building and must be located on the same parcel and same zoning district as the Principal Building Use. The utilities and septic system for an ADU shall not be separated from the Principal Building Use. An Approved Site Plan and Zoning Certificate is required for an ADU that requires any external modification, addition or enlargement to the building or structure in which it is to be located, and subject to District parcel area and placement regulations. *\*Delete reference to same zoning district.*

**SECTION 210. STORAGE BUILDING RESERVED FOR FUTURE USE**

The purpose is to allow for the construction and placement of a principal storage building for the personal use of the property owner on a parcel that is either vacant land, or where no Principal Residential dwelling, Commercial, Industrial or Conditional Use building currently exists. The storage building is subject to all other provisions of this Resolution and the following requirements: *\*\*\*Storage building section to be eliminated as recommended by Planning Services and Prosecutor.*

AREA	HEIGHT	ZONING CERTIFICATE	SECTION
No min. or max. sq. ft. restrictions	Less than 35 ft.	Required for buildings over 144 sq. ft.	603

**~~210.01 Storage Building Use~~**

~~The building is for personal use of the property owner only and shall not be constructed or occupied as a permanent or temporary residence, dwelling or living area, and/or operated as a commercial, industrial, conditional use or home business occupation.~~

**~~210.01.1 Location and Size~~**

~~The building or structure may be located in Districts where Residential dwellings are a Permitted Use. Unless otherwise stated in this Resolution, no more than one (1) building or structure over one hundred forty four (144) square feet is permitted on the parcel until a Residential dwelling exists on the parcel, or a Zoning Certificate for a proposed Residential dwelling is in effect. Any building or structure constructed on-site, pre-manufactured or repurposed, shall comply with the District parcel area and placement regulations of which said structure is located.~~

**~~210.01.2 Zoning Certificate Requirements~~**

~~A Zoning Certificate is required, unless otherwise stated in this Resolution, for the enlargement of an existing building or structure or the adjoining of, another building or structure, which thereby increases the total square footage over one hundred and forty four (144) square feet. Upon application for a Zoning Certificate to construct a Residential dwelling, Commercial, Industrial or Conditional Use building on the parcel, all buildings~~

~~or structures on the parcel will be subject to the applicable sections of this Resolution as determined by the Zoning Inspector.~~

**SECTION 211** ~~PARKING REQUIREMENTS – ALL DISTRICTS~~ **NOW ARTICLE VIII**

**SECTION 211** **COMMERCIAL, INDUSTRIAL & CONDITIONAL USE BUILDING**

**211.01 Building or Structure Restrictions**

Unless otherwise stated in this Resolution, only one (1) Primary Use building or structure is permitted on a parcel ~~and must be located in the same Zoning District.~~ Other buildings located on the parcel ~~in the same Zoning District~~ shall be classified as accessory or incidental to the Primary Use.

**211.02 Enlargement of a Building or Structure**

An Approved Site Plan and Zoning Certificate is required, unless otherwise stated in this Resolution, for any enlargement of an existing building or structure including the adjoining of, another building or structure, which thereby increases the total square footage over one hundred and forty-four (144) square feet. *\*\*Approved site plan. Is this to require the creation of new site plan meeting code, or modified plan for approval reflecting enlargement and how it will impact existing layout?*

**211.03 ~~Visual Relief and Screening Requirements~~**

~~Visual relief screening~~ for Any building, structure, parking area, outdoor use or storage area of equipment, machinery, products or material ~~is required~~ shall be screened from view on each side ~~when~~ adjacent to, or abutting a Residential Use or Residential District parcel. (See Section 224 of this Resolution).

**211.05 Temporary Business Use Unit**

No more than one (1) travel trailer, motor coach or mobile home may be temporarily used as a temporary business unit on a parcel while a permanent Commercial, Industrial or Conditional Use building is under construction. A Zoning Certificate is required and is renewable every three (3) months for a maximum of one (1) year.

**SECTION 212. EXTERIOR LIGHTING**

**212.05 Commercial, Industrial or Conditional Use Additional Requirements**

**212.05.2 Roof and Canopy Lighting**

~~Outdoor lighting fixtures that are enclosed in clear, white, off-white or yellow casing are not allowed on the roofs of buildings or on the sides of canopies.~~

**212.05.3 Parking Lot Lighting Curfews**

Parking lots which contain three (3) or more parking lot light poles, parking lot lighting levels for ground surface parking lots must be reduced by at least fifty (50) percent of full operational levels within sixty (60) minutes after the close of business. *\*This would be very difficult to enforce. \*\*\*Zoning Commission agrees that in some situations enforcement may be difficult, especially when lighting is provided by LMRE co-op.*

**SECTION 214. WIND ENERGY TURBINES - ALL DISTRICTS**

Wind energy turbine systems and associated facilities as defined under Section 519.213 of the Ohio Revised Code with a single connection to the electrical grid and/or off-grid, designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts shall be permitted in all Zoning Districts ~~and~~ subject to following requirements:

**214.01 Residential Use**

**214.01.1 Free Standing Tower-mounted**

Tower-mounted designs need to have a minimum setback of 1.1 times the height of the tower from the road right-of-way, inhabited structures, and neighboring property lines. The tower height is defined as the distance from the top surface of the ground at the tower foundation to the highest possible vertical position of the turbine. No part of the wind turbine energy system structure, including guide wire anchors, may extend closer than fifteen (15) feet to the property line. A free-standing Wind Energy Turbine is considered a structure and a Zoning Certificate is required.

**214.01.2 Attached to Building or Roof-mounted**

A Wind Energy Turbine attached to buildings or roof mounted shall not exceed the roof height of the building upon which it is mounted by more than ~~ten (10)~~ twenty (20) feet. **A Wind Energy Turbine attached to a building or roof-mounted is considered a structure and** a Zoning Certificate is ~~not~~ required.

**214.02 Commercial, Industrial or Conditional Use**

**214.02.1 Free Standing Tower-mounted**

Tower-mounted designs need to have a minimum setback of 1.1 times the height of the tower from the road right-of-way, inhabited structures, and neighboring property lines. The tower height is defined as the distance from the top surface of the ground at the tower foundation to the highest possible vertical position of the turbine. No part of the wind turbine energy system structure, including guide wire anchors, may extend closer than twenty (20) feet to the property line. A **free-standing** Wind Energy Turbine is considered a structure and is subject to review and approval of a Site Plan and issuance of a Zoning Certificate unless otherwise specifically stated in this Resolution. (See Sections 601 and 603 of this Resolution)

~~**SECTION 214 PRIVATE USE AIRPORT AND LANDING FIELD – ALL DISTRICTS**~~ Deleted

**SECTION 215. RESERVED FOR FUTURE USE**

**SECTION 216. OUTDOOR STORAGE REGULATIONS – ALL DISTRICTS**

**216.01.1 Vehicle, RV, and/or Equipment**

~~Outdoor~~ Storage of any vehicle, trailer, boat, recreational vehicle, **recreational camping vehicle, trailer coach** or non-agricultural equipment is permitted in permanent parking areas and driveways. ~~Additional Outdoor storage of the previous items, including parts, equipment and/or other miscellaneous, shall be permitted in side yard or rear yard areas, no closer than twenty (20) feet to any property line, and shall be screened from view by suitable means from adjacent properties otherwise said items and/or condition of parcel may be considered a nuisance under Section 203 of this Resolution.~~ *\* It appears that any vehicle, trailer, boat, recreational vehicle, or non-agricultural equipment may be parked on the driveway in the front yard for an indefinite amount of time. Is that the intent? Suggest retaining the screening requirement. \*\*\* Screening would be difficult to enforce and put hardship on property owner.*

**216.01.2 Junk and/or Inoperable Motor Vehicles defined by the Ohio Revised Code**

~~Outdoor~~ Storage of junk and/or inoperable motor vehicles is permitted **shall be for no more than fifteen (15) days** in permanent parking areas, or driveways for no more than thirty (30) days. ~~Additional outdoor storage of vehicles, including parts, equipment and/or other miscellaneous items, shall be permitted for no more than ninety (90) days in side yard or rear yard areas, no closer than twenty (20) feet to any property line, and shall be screened from view by suitable means from adjacent properties otherwise said vehicles and/or condition of parcel may be considered a nuisance under Section 203 of this Resolution.~~ *\* Suggest retaining the screening requirement. \*\*\* Screening would be difficult to enforce and put hardship on property owner.*

**216.01.3 Garbage, Refuse, Debris and/or Recyclables**

~~Outdoor~~ Storage of garbage, refuse, debris and/or recyclables awaiting disposal shall be kept in dumpsters or disposal bins. ~~or other suitable containers. Such items shall be no closer than twenty (20) feet to any property line and shall be screened from view by suitable means from adjacent properties. Temporary storage of~~ **No** loose or piles of **junk**, garbage, refuse, debris and/or recyclables *shall be* exposed outdoors on the parcel. ~~shall be confined to side yard or rear yard areas only for no longer than thirty (30) days while awaiting pick up or disposal from a garbage or refuse service. Such items shall be no closer than twenty (20) feet to any property line and shall be screened from view by suitable means from adjacent properties otherwise said items and/or condition of parcel may be considered a nuisance under Section 203 of this Resolution.~~ *\* Suggest retaining the screening requirement. \*\*\* Screening would be difficult to enforce and put hardship on property owner.*

**216.01.4 Discarded or Damaged Items and Junk**

Outdoor storage of miscellaneous junk materials, including all discarded and broken or damaged items such as; furniture, carpet, household appliances, outdoor play equipment or toys, building materials, tires of any type, and other manufactured goods that are so worn, deteriorated, obsolete or dismantled as to make them unusable, **shall not be** exposed outdoors on the parcel. ~~shall be confined to side yard or rear yard areas only for no longer than thirty (30) days while awaiting pick up or disposal from a garbage or refuse service. Such items shall be no closer than twenty (20) feet to any property line and shall be screened from view by suitable~~

means from adjacent properties otherwise said items and/or condition of parcel may be considered a nuisance under Section 203 of this Resolution.

**216.01.5 Collectable or Hobby Items of Special Interest Other Vehicle Types**

Outdoor storage of any vehicle, other items with wheels, runners or a hull **not described in Section 216.01.1 and Section 216.01.2** is permitted in permanent parking areas and driveways. ~~Additional~~ Outdoor storage of the previous items including parts, equipment and/or other miscellaneous items, shall be permitted in side yard or rear yard areas no closer than twenty (20) feet to any property line. ~~and shall be screened from view by suitable means from adjacent properties otherwise said items and/or condition of parcel may be considered a nuisance under Section 203 of this Resolution.~~ *\*It appears that any vehicle, other items with wheels, runners or a hull, may be parked on the driveway in the front yard for an indefinite amount of time. Is that the intent? Suggest retaining the screening requirement.*

**216.01.6 Private, Residential, Commercial and/or Industrial Use Items**

Outdoor storage for all private, residential, commercial and/or industrial use items not listed under the previous paragraphs above, shall be permitted in side yard or rear yard areas no closer than twenty (20) feet to any property line. ~~and shall be screened from view by suitable means from adjacent properties otherwise said items and/or condition of parcel may be considered a nuisance under Section 203 of this Resolution.~~ *Suggest retaining the screening requirement.*

**SECTION 217. RESIDENTIAL HOME-BASED OCCUPATION BUSINESS**

A Residential home-based Occupation business may be permitted as an accessory use provided that all other provisions of this Resolution have been met in addition to the following requirements;

**217.01 Type 1 Definition and Criteria**

**217.01.1** A Type 1 home-based business is a non-residential use conducted entirely within a residence and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the residence for residential purposes and does not change the character of the residence.

**217.02 Type 2 Definition and Criteria**

OPERATOR	LOCATION	SIGN	ZONING CERT.	SECTION
Resident(s) & 1 non-resident employee	Within 1 accessory building only	1 non-illuminated, 4 sq. ft. maximum	<b>Conditional Use</b> Required	<b>602</b> , 603, Article IV signs

**217.02.1** A Type 2 home-based business is a non-residential use utilizing one (1) accessory building on a residential property and is carried on by the property's residents and a maximum of one employee, which use is clearly incidental and secondary to the use of the property for residential purposes.

**SECTION 218. TELECOMMUNICATION TOWERS – ALL DISTRICTS**

Telecommunication towers and related accessory structures are regulated under the Ohio Revised Code **and if the provisions of division (B) and (C) of 519.211 are met and an objection received, a telecommunication tower shall be subject** may be subject to District setback, side and rear yard requirements in addition to the following; ... *\*This Section needs to be rewritten. The township can provide regulations for telecommunication towers in residential zones if the provisions of division (B) and (C) of 519.211 are met and an objection is received. At that point the telecommunication tower would be subject to the township's regulations; to be created*

**SECTION 219. LAKES AND PONDS – ALL DISTRICTS**

**SECTION 220. FENCES – ALL DISTRICTS**

Fences shall be harmonious and appropriate in appearance **compatible** with the existing character of the immediate area. Fences may be permitted in any yard, or along the edge of any yard, provided that such fences conform to the requirements as set forth below. *\*"Harmonious and appropriate" is vague, as is "compatible". There should be criteria for any of the terms.*

**220.02 Visual Traffic Hazard or Nuisance**

Where a traffic vision hazard is created by a fence within a sight distance triangle, the Zoning Inspector shall require a modification to the height or location of the fence as required to prevent or eliminate the hazard. All fencing, including a living fence shall be maintained so as not to present a hazard or constitute a nuisance to adjoining property owners or neighboring Uses. *\*Suggest defining "sight distance triangle" and/or providing an illustration.*

**220.03 Temporary Snow Fences**

A snow fence shall be temporary in nature and purpose, and may be erected or placed in any District during the period from November 1<sup>st</sup> to May 1<sup>st</sup> for the sole purpose of preventing the drifting of snow on roadways, driveways, or sidewalks and shall not require a Zoning Certificate. Snow fencing shall not be used as a permanent fence at any time.

**220.06 Commercial, Industrial or Conditional Use Height and Transparency**

SEE ARTICLE III FOR ALL SEBACK REQUIREMENTS			
AREA	HEIGHT	TRANSPARENCY	ZONING CERTIFICATE
Front Yard	8 4 ft. max. height for any partition or enclosure use.	Semi-transparent types only	Not Required

*\*Suggest including a statement that fences over 6 feet in height requires a building permit.*

**SECTION 222. SWIMMING POOLS - ALL DISTRICTS**

**222.01 Residential Use**

The construction, plumbing, electrical requirement, inspection, and other safety facilities shall be regulated by the applicable County Authority.

TYPE	SIZE	SETBACK	FENCING	ZONING CERT.	SECTION
Inflatable <u>or</u> temporary	All <u>Sidewall height 2 ft. or less.</u>	District building line setback, side, rear yard clearances.	Not Required.	Not Required	
Above ground <u>temporary or permanent</u>	All <u>Sidewall height greater than 2 ft.</u>	District building line setback, side, rear yard clearances.	<del>Fencing and access gate required.</del> <u>Not Required</u>	Required	603

*\*Suggest deleting any reference to inflatable or temporary swimming pools with less than 2 foot sidewall.*

**SECTION 224. VISUAL RELIEF SCREENING REQUIREMENTS**

All A non-residential Permitted and Conditionally Permitted Uses *building, structure, parking area, outdoor use or storage area of equipment, machinery, products or material shall be screened from view on each side adjacent to, or abutting* a Residential Use or Residential District parcel. *\*"And" in line one should be "or". This section appears to conflict with the elimination of the screening requirement in Section 216.*

**224.01 Screening Placement**

SCREENING PLACEMENT QUICK REFERENCE CHART

AREA	DIMENSIONS	SECTION
Front Yard Screening	Not Required <del>unless for permanent parking areas.</del>	801 Article III
Side Yard Screening	<u>Placed within the buffer zone</u> , beginning from the building setback line and running the entire length of the development area side yard property line <del>or District line if mixed District parcel.</del>	211, Article III
Rear Yard Screening	<u>Placed within the buffer zone</u> , running the entire length of the development rear yard property line <del>or District line if mixed District parcel.</del>	211, Article III
Parking Areas	<u>Placed within the buffer zone</u> Required for permanent parking areas; (See Section 801 of this Resolution)	801 Article III

AREA	DIMENSIONS	SECTION
Refuse Area	Screened from <b>view from</b> all adjacent parcels.	211.05

\*See later discussion of the term "buffer zone".

**224.03 Screening Techniques**

All screening shall be designed to promote harmony **compatible** with the adjacent development through the use of techniques such as landscape mounds, deciduous and/or coniferous shrubs or trees, natural vegetation, fences or walls, in any combination that will provide an obscuring screen of not less than six (6) feet in height and a minimum of fifty (50%) percent or less transparency during twelve (12) months of the year. **Combination screening techniques** as shown in the examples below **are for reference points only**. (For fences; See Section 220 of this Resolution). *\*Again, the Township should provide criteria for assessing compatibility.*

**Article III. ZONING DISTRICT REGULATIONS**

SECTION	TITLE
304	Residential District – <del>Road Frontage</del> <b>Buildable</b> Front Parcel
305	Residential District – <b>Buildable</b> Rear Parcel
306	Circle District – <del>Road Frontage</del> <b>Buildable</b> Parcel
307	Commercial District – <del>Road Frontage</del> <b>Buildable</b> Parcel
308	Industrial District – <del>Road Frontage</del> <b>Buildable</b> Parcel
<del>310</del>	<del>Mixed District Parcel Development – Circle &amp; Commercial</del>

**302.01 Subdivision of a Parcel.**

Subdivision of any parcel of land in Litchfield Township is subject to the requirements of this Resolution ~~and objectives of the Litchfield Township Comprehensive Plan~~ and by the Medina County Planning Commission pursuant to Chapter 711 and 713 of the Ohio Revised Code. **The original mylar and a paper copy of the parcel subdivision survey plat shall be signed and dated by the Zoning Inspector and one (1) Township Trustee OR by two (2) Trustees to must** indicate that the parcel split is in compliance with the zoning Resolution. **on the original Mylar plat survey and legal description for any parcel of land that is to be subdivided. The property owners must be in compliance with Litchfield Township Zoning Resolution before any parcel split can be approved by the Medina County Planning Commission. The legal description and the paper copy of the signed parcel subdivision survey plat shall be maintained in the Township zoning office records. The approved parcel subdivision shall be disclosed at the next Board of Trustees regular meeting.** *\*Subdivision of property is not within the purview of zoning. This section should be deleted.*

**SECTION 303. DISTRICT USE REGULATIONS – ALL DISTRICTS**

**303.01 A Conditionally Permitted Use** may only undergo alteration, addition, expansion of the use by reapplication and approval by the Board of Zoning Appeals. *\*\*Full site plan required?*

**303.02 A Change of Use** as determined by either the Zoning Inspector, ~~Medina County Building Department, Medina County Health Department or appropriate County Authority,~~ shall require a new Zoning Certificate and Site Plan Review if applicable.

**303.03 Primary Use**

**No more than one (1) primary use of any type shall be permitted on a parcel unless otherwise specifically stated in this Resolution.**

**SECTION 304. RESIDENTIAL DISTRICT – ROAD FRONTAGE BUILDABLE FRONT PARCEL** *\*See General Comments in the Staff Report for discussion concerning omitting the word "buildable" and for a different treatment of front and rear parcels.*

**304.01 Permitted Use**

The following Uses listed are permitted on ~~road frontage~~ **buildable front** parcels in this District provided all other requirements of this Resolution have been met. A Zoning Certificate is required unless otherwise specifically stated in this Resolution. (See Section 603 of this Resolution)

USE	SECTION
Storage building.	210

\*Delete Storage building. It has been deleted from Section 305.01, Rear Parcel.

**304.02 Conditionally Permitted Use**

The following Uses may be permitted on road frontage buildable front parcels in this District as Conditional Uses upon review and approval of a Site Plan and issuance of a Conditional Zoning Certificate by the Board of Zoning Appeals. (See Section 602 of this Resolution)

USE	SECTION
<b>Churches or other places of worship. Structure not to exceed total area of 5,000 sq. ft.</b>	

*Religious uses including churches, places of worship and cemeteries;  
Educational uses including public and parochial schools, public libraries and public Museums;*

**304.03 Residential District Buildable Front Parcel Area and Placement Requirements**

**304.03.2 Residential District Buildable Front Parcel Reference Chart**

	MINIMUM DIMENSIONS	SECTION
<u>Buildable</u> Parcel Area	3 acres	304.03.3
<u>Buildable</u> Parcel Frontage	200 ft. from the property line <del>or District line if mixed District parcel.</del>	304.03.4
Building Side Yard S/B	15 ft. (25 ft. for Conditional Use) from the property line <del>or District line if mixed District parcel.</del>	304.03.5
Building Rear Yard S/B	15 ft. (25 ft. for Conditional. Use) from the property line <del>or District line if mixed District parcel.</del>	304.03.5
Driveway Side Yard S/B	5 ft. (20 ft. for Conditional Use) from the property line, <del>or District line if mixed District parcel</del>	
Parking Side Yard S/B	5 ft. (20 ft. for Conditional Use) from the property, <del>or District line if mixed District parcel</del>	
Parking Rear Yard S/B	15 ft. (20 ft. for Conditional Use) from the property line, <del>or District line if mixed District parcel.</del>	
Fencing Front Yard S/B	40 ft. from the center of the road. No fencing permitted forward of the setback line from side yard property line, <del>or District line if mixed District parcel</del>	
Fencing Side Yard S/B	Side yard property line, <del>or District line if mixed District parcel</del> beginning 40 ft. from the center of the road.	
Fencing Rear Yard S/B	Rear yard property line <del>or District line if mixed District parcel</del>	
Buffer Zone Front Yard <del>S/B</del> (Conditional Uses Only)	<del>30 ft. from</del> <b>Beginning at the center edge of the road.</b>	304.03.6
Buffer Zone Width (Conditional Uses Only)	20 ft. in width on all sides from the property line <del>or District line if mixed District parcel.</del>	304.03.6
<del>Visual Relief</del> Screening (Conditional Uses Only)	Screening on each side which adjoins a residential use or residential District parcel.	224

*\*Suggest that fence requirements be within the fence section. \*\*Section 304.03.2 and other reference sections, Road right of way. Roads are not always in center of right of way, or unfortunately even always in right of way. Might be better to have right of way marked and run distances from the edge thereof. (All Building Setback Sections)*

**304.03.3 Buildable Parcel Area**

The minimum **buildable** parcel area of a parcel for Residential Use or Conditionally Permitted Use shall be three (3) acres. All **buildable** parcels shall have sufficient area for the installation of an on-site sewer system pursuant to the regulations of the Medina County Health Department, Medina County Sanitary Engineer, or Ohio EPA as appropriate. *\*Delete the word "buildable" here and throughout. See General Comments for discussion of why the word buildable is not necessary. It is not clear why all uses and all districts utilize a minimum lot size of 3 acres? Concern over capacity of soils on a site for an on-site septic system is not a good reason to create a minimum lot size. Health Department and Ohio Environmental Protection Agency (OEPA) regulations will address issues of suitability for on-site septic systems.*

**304.03.4 Buildable Parcel Frontage**

The minimum **buildable** parcel frontage on a public road shall be two hundred (200) feet wide continuous to the minimum building setback line. Corner parcels shall comply with the frontage requirement for each street on which the parcel has frontage.

**304.03.5 Building Setbacks**

Existing structures that were legally approved with lesser building setback line requirements shall use those structures' setback lines for any addition or new structure. Corner parcels shall comply with the minimum setback for each street on which the parcel has frontage. Building side yard and rear yard setback distances are measured from the property line ~~or District line if mixed District parcel.~~

*\*Using a zoning district boundary to measure setbacks can severely restrict the use of a parcel. Suggest elimination of this regulation throughout.*

**304.03.6 Buffer Zone Minimum Area Requirements**

**The purpose of a buffer zone is to create a neutral space between two different types of buildings or properties in order to minimize disturbances between potentially incompatible land uses.** All Conditionally Permitted Uses shall have buffer zone area consisting of a landscaped and planted strip running continuous with the property line ~~or District line if mixed District parcel~~, using techniques such as; natural vegetation, grass or lawn in any combination. No building, structure, **driveway**, vehicle, equipment, machinery, product or materials, whether permanent or temporary are permitted in the buffer zone unless otherwise stated in this Resolution.

AREA	MINIMUM DIMENSIONS
Front Yard <b><u>Buffer Zone Setback:</u></b> <b><u>30 ft. from Beginning at the center edge</u></b> of the road.	20 ft. in width and running the entire frontage of the parcel except curb cuts and driveways.
Side Yard Buffer Zone; Beginning at the property line <del>or District line if mixed District parcel.</del>	20 ft. in width and running the entire length of the development area for each side yard.
Rear Yard Buffer Zone; Beginning at the property line <del>or District line if mixed District parcel.</del>	20 ft. in width and running the entire length of the development area rear yard.

*\*Suggest using the term "buffer area" rather than "buffer zone" to eliminate confusion with zoning districts. Suggest using right-of-way line as the point of measurement for parcels and setbacks. The edge of pavement can be used for private streets or where the right-of-way line is not known.*

**304.03.7 Road Right-of-Way**

The road right-of-way line shall be as shown on the records of Medina County however for the purpose of determining the front parcel line, the distance shall not be less than thirty (30) feet as measured from the center of the road and running continuous the entire width of the parcel. The road right-of-way area shall be maintained as free from physical above the ground obstructions as possible. No permanent building or structures are permitted within the road right-of-way unless otherwise permitted by the Medina County Engineer's Office or the Ohio Department of Transportation. *\*\*Road right of way. Remember roads are not always in center of right of way, or unfortunately even always in right of way. Might be better to have right of way marked and run distances from the edge thereof.*

**SECTION 305. RESIDENTIAL DISTRICT – BUILDABLE REAR PARCEL**

**305.01 Permitted Use**

The following uses listed are permitted on ~~conforming~~ **buildable** rear parcels in this District provided all other requirements of this Resolution have been met. A Zoning Certificate is required unless otherwise specifically stated in this Resolution. (See Section 603 of this Resolution)

USE	SECTION
Home-based business Type 1.	217
<del>Storage building.</del>	<del>210</del>

*\*This chart makes it appear that a home-based business can be a principal use.*

**305.02 Conditionally Permitted Use**

The following Uses may be permitted on ~~conforming~~ **buildable** rear parcels in this District as Conditional Uses upon review and approval of a Site Plan and issuance of a Conditional Zoning Certificate by the Board of Zoning Appeals. (See Section 602 of this Resolution)

USE	SECTION
<b><u>Churches or other places of worship. Structure not to exceed total area of 5,000 sq. ft.</u></b>	

**SECTION 210. CONDITIONAL ZONING**

Under certain conditions set forth in METHODS AND PROCEDURES, Section II. Conditional Zoning Permit, the Board of Zoning Appeals may issue a Conditional Zoning Permit in any residential district. Uses include:

- ~~\_\_\_\_\_ Religious uses including churches, places of worship and cemeteries.~~
  - ~~\_\_\_\_\_ Educational uses including public and parochial schools, public libraries and public museums.~~
  - ~~\_\_\_\_\_ Health care uses including doctor's offices, clinics, nursing and convalescent homes, and hospitals.~~
  - ~~\_\_\_\_\_ Recreational uses including publicly owned parks and playgrounds.~~
  - ~~\_\_\_\_\_ Government owned, leased or operated buildings, or facilities such as township halls, community centers, road maintenance buildings, fire and/or police stations, public parks or cemeteries.~~
  - ~~\_\_\_\_\_ A personal residence or family home used as a tourist home, boarding house, rooming house or a bed and breakfast.~~
  - ~~\_\_\_\_\_ Assisted Living and Independent Living~~
- ~~A Conditional Zoning Permit shall be issued when reasonable conditions are established which will ensure harmony of land uses and will not adversely affect the general welfare, health and safety of the public.~~
- ~~In order to accomplish these objectives, provision is made in this Resolution for a more detailed consideration of each certain specified activity as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and service required, together with many other possible factors. Conditional Uses are reviewed annually by the Zoning Inspector.~~

**305.3 Residential District Buildable Rear Parcel Area and Placement Requirements**

**305.03.2 Residential District Buildable Rear Parcel Reference Chart**

	MINIMUM DIMENSIONS	SECTION
<b><u>Buildable</u></b> Parcel Frontage	200 ft. on the side facing the public road	305.03.4
Building Side Yard S/B	15 ft. (25 ft. for Conditional Use) from the property line <del>or District line if mixed District parcel.</del>	305.03.5
Building Rear Yard S/B	15 ft. (25 ft. for Conditional. Use) from the property line <del>or District line if mixed District parcel.</del>	305.03.5
Driveway Side Yard S/B	5 ft. (20 ft. for Conditional Use) from the property line <del>or District line if mixed District parcel.</del>	

	MINIMUM DIMENSIONS	SECTION
Parking Side Yard S/B	5 ft. (20 ft. for Conditional Use) from the property line <del>or District line if mixed District parcel.</del>	
Parking Rear Yard S/B	15 ft. (20 ft. for Conditional Use) from the property line <del>or District line if mixed District parcel.</del>	
Fencing Side Yard S/B	Side yard property line <del>or District line if mixed District parcel.</del>	
Fencing Rear Yard S/B	Rear yard property line <del>or District line if mixed District parcel.</del>	
Buffer Zone Width (Conditional Uses Only)	20 ft. in width on all sides from the property line <del>or District line if mixed District parcel.</del>	305.03.6
<del>Visual Relief</del> Screening (Conditional Uses Only)	Screening on each side which adjoins a residential use or residential District parcel.	224

**305.03.3 Buildable Parcel Area**

**Buildable** Rear Parcel development for Residential Use and Conditionally Permitted Use is permitted when located behind a parcel, or parcels that meet current ~~Residential District~~ **buildable parcel** requirements. The minimum buildable area for a rear parcel shall be three (3) acres exclusive of the access-way area. The access-way area shall have at least thirty (30) feet of frontage on a public road maintained through its full depth. The buildable area and access-way area **must be the same zoning District and** shall be joined as a single parcel deeded to the parcel owners and duly recorded in the office of the Medina County Recorder. No more than two (2) access strips shall abut one another. The use or granting of an easement of necessity or right-of-way is not permitted to meet the requirement of an access strip. All **buildable** Rear Parcels shall have sufficient area for the installation of an on-site septic system pursuant to the regulations of the Medina County Health Department, Medina County Sanitary Engineer, or Ohio EPA as appropriate. *\* This may be unworkable because access to the rear parcel will have to go through the front zoning district, and rezoning the access.*

**305.03.4 Buildable Parcel Frontage**

The minimum **buildable** parcel width of the buildable area shall be two hundred (200) feet running the entire front of the parcel that is adjoined to the access-way area on a public road.

**305.03.5 Building Setbacks**

The minimum building setback is established at the point where the minimum parcel width of two hundred (200) feet has been maintained for at least fifty (50) feet from the parcel front property line. Building side yard and rear yard setback distances are measured from the property line ~~or District line if a mixed District~~

**305.03.6 Buffer Zone Minimum Area Requirements**

**The purpose of a buffer zone is to create a neutral space between two different types of buildings or properties in order to minimize disturbances between potentially incompatible land uses.** All Conditionally Permitted Uses shall have buffer zone area consisting of a landscaped and planted strip running continuous with the property line ~~or District line if mixed District parcel~~, using techniques such as; natural vegetation, grass or lawn in any combination. No building, structure, **driveway**, vehicle, equipment, machinery, product or materials, whether permanent or temporary are permitted in the buffer zone unless otherwise stated in this Resolution.

AREA	MINIMUM DIMENSIONS
Front Yard Buffer Zone <del>Setback</del> ; Established at the point where the minimum parcel width is 200 ft. on the parcel front property line.	20 ft. in width and running the entire front property line of the parcel except curb cuts and driveways.
Side Yard Buffer Zone; Beginning at the property line <del>or District line if mixed District parcel.</del>	20 ft. in width and running the entire length of each side yard in the buildable area. No buffer zone is required in the access-way area.
Rear Yard Buffer Zone; Beginning at the property line <del>or District line if mixed District parcel.</del>	20 ft. in width and running the entire length of the rear yard.

*\*It is not clear as to how the screening requirements and buffer zones (areas) work together. Can screening be within the buffer areas?*

**305.03.7 Road Right-of-Way**

The road right-of-way line shall be as shown on the records of Medina County, however for the purpose of determining the front parcel line, the distance shall not be less than thirty (30) feet as measured from the center of the road and running continuous the entire width of the parcel. The road right-of-way area shall be maintained as free from physical above the ground obstructions as possible. No permanent building or structures are permitted within the road right-of-way unless otherwise permitted by the Medina County Engineer’s Office or the Ohio Department of Transportation. **\*It is not necessary to repeat this.**

**SECTION 306. CIRCLE DISTRICT – ROAD FRONTAGE BUILDABLE PARCEL**

The purpose is to provide a Mixed Use area for residential dwellings and a variety of retail services and professional establishments which shall conform to the basic use and character of the area known as Litchfield Circle.

**306.01 Permitted Use**

The following Uses listed are permitted **on buildable parcels** in this District upon review and approval of a Site Plan, if applicable, and upon issuance of a Zoning Certificate, provided all other requirements of this Resolution have been met. (See Sections 601 and 603 of this Resolution)

USE	SECTION
Food and beverage store or business such as; restaurant, tavern, bar, pub, specialty food or beverages, bakery, delicatessen, juices, confectionary, dairy, coffee or soda shop, ice cream, health foods, food or beverage preparation to be retailed on or off premises including carry-out or delivery. Business structure not to exceed <del>5,000</del> 3,000 total sq. ft.	
Retail store or business such as; general merchandise, grocers, pharmacy, clothing or apparel, furniture, appliances, florist, gifts, hardware, sporting goods, antiques, electronics, specialty goods, convenience store, discount merchandise, resale or consignment store, art gallery, artisan/craftsman goods or merchandise, collectible or hobby items. Business structure not to exceed <del>5,000</del> 3,000 total sq. ft. Outdoor displays of merchandise or goods shall not exceed 10% of the business structure square footage.	
Service store or business such as; healthy & beauty, barber shop, hair salon, nail and tanning salon, tailor or dressmaker, pet grooming (no outdoor kennel), photography, fitness or personal training, dance studio, martial arts, small electronic or consumer goods repair or restoration. Business structure not to exceed <del>5,000</del> 3,000 total sq. ft.	

**306.02 Conditionally Permitted Use**

The following Uses may be permitted **on buildable parcels** in this District as Conditional Uses upon review and approval of a Site Plan and issuance of a Conditional Zoning Certificate by the Board of Zoning Appeals. (See Section 602 of this Resolution)

**306.03 Circle District Buildable Parcel Area and Placement Requirements.**

**306.03.2 Circle District *Buildable* Parcel Reference Chart**

	MINIMUM DIMENSIONS	SECTION
<b><u>Buildable</u></b> Parcel Area	3 acres (2 acres if non-Residential Permitted or Conditional Use) <i>*Consider smaller parcels for this district.</i>	306.03.3
<b><u>Buildable</u></b> Parcel Frontage	200 ft. from the property line <del>or District line if mixed-District parcel.</del>	306.03.4
Building Side Yard S/B	15 ft. (20 ft. for non-Residential Permitted or Conditional Use) from the property line <del>or District line if mixed-District parcel.</del>	306.03.5
Driveway Side Yard S/B	15 ft. from the property line <del>or District line if mixed-District parcel.</del>	
Parking Side Yard S/B	15 ft. from the property line <del>or District line if mixed-District parcel.</del>	
Parking Rear Yard S/B	15 ft. from the property line <del>or District line if mixed-District parcel.</del>	

	MINIMUM DIMENSIONS	SECTION
Fencing Front Yard S/B	40 ft. from the center of the road. No fencing permitted forward of the setback line from side yard property line <del>or District line if mixed District parcel.</del>	
Fencing Side Yard S/B	Side yard property line <del>or District line if mixed District parcel,</del> beginning 40 ft. from the center of the road.	
Fencing Rear Yard S/B	Rear yard property line <del>or District line if mixed District parcel.</del>	
Buffer Zone Width (non-Residential Permitted & Conditional Uses Only)	15 ft. in width on all sides from the property line <del>or District line if mixed District parcel.</del>	306.03.6
Visual Relief Screening (non-Residential Permitted & Conditional Uses Only)	Screening on each side which adjoins a Residential Use or residential District parcel.	224
<del>Mixed District Parcel</del>	<del>Each zoning District apportionment of the parcel shall follow the requirements for that District.</del>	<del>310</del>
Outdoor display of goods or merchandise	Outside display areas are allowed in all parts of the parcel except for the buffer zone areas.	

**306.03.3 Buildable Parcel Area**

The minimum **buildable** parcel area of a parcel for Residential Use shall be three (3) acres. Where there is no Residential Use proposed on the parcel, the **buildable** parcel area may be reduced to two (2) acres providing it meets all other requirements. All **buildable** parcels shall have sufficient area for the installation of an on-site sewer system pursuant to the regulations of the Medina County Health Department, Medina County Sanitary Engineer, or Ohio EPA as appropriate. *\*Consider smaller parcels for this district..*

**306.03.4 Buildable Parcel Frontage**

The minimum **buildable** parcel frontage on a public road shall be two hundred (200) feet wide continuous to the minimum building setback line for Residential Use. Corner parcels shall comply with the frontage requirement for each street on which the parcel has frontage.

**306.03.5 Building Setbacks**

Existing structures that were legally approved with lesser building setback line requirements shall use that structure's setback lines for any addition or new structure. Corner parcels shall comply with the minimum setback for each street on which the parcel has frontage. Building side yard and rear yard setback distances are measured from the property line for *Residential Use* and/or District line *for non-Residential Permitted or Conditional Use* if mixed District parcel. *\*\*\*Mixed district parcels on the township zoning map are divided front to back, with residential use as rear portion. Requiring a property owner to use the property line for residential use is consistent with zoning practices. Using the district line for non-residential or conditional uses will keep the development from encroaching on to the residential portion of a mixed district parcel.*

**306.03.6 Buffer Zone Minimum Area Requirements**

**The purpose of a buffer zone is to create a neutral space between two different types of buildings or properties in order to minimize disturbances between potentially incompatible land uses.** All non-Residential Permitted and Conditionally Permitted Uses shall have buffer zone area consisting of a landscaped and planted strip running continuous with the property line ~~or District line if mixed District parcel,~~ using techniques such as; natural vegetation, grass or lawn in any combination. No building, structure, **driveway,** vehicle, equipment, machinery, product or materials, whether permanent or temporary are permitted in the buffer zone unless otherwise stated in this Resolution.

AREA	MINIMUM DIMENSIONS
Front Yard Buffer Zone <del>Setback, 30 ft. from</del> <b>Beginning at the center edge</b> of the road.	15 ft. in width and running the entire frontage of the parcel except curb cuts and driveways.
Side Yard Buffer Zone; Beginning at the property line <del>or District line if mixed District parcel.</del>	15 ft. in width and running the entire length of the development area for each side yard.

AREA	MINIMUM DIMENSIONS
Rear Yard Buffer Zone; Beginning at the property line <del>or District line if mixed District parcel.</del>	15 ft. in width and running the entire length of the development area rear yard.

\*See comments from Section 304.03.

**306.03.7 Road Right-of-Way**

The road right-of-way line shall be as shown on the records of Medina County, however for the purpose of determining the front parcel line, the distance shall not be less than thirty (30) feet as measured from the center of the road and running continuous the entire width of the parcel. The road right-of-way area shall be maintained as free from physical above the ground obstructions as possible. No permanent building or structures are permitted within the road right-of-way unless otherwise permitted by the Medina County Engineer's Office or the Ohio Department of Transportation. **\*Not needed to be stated again.**

**SECTION 307. COMMERCIAL DISTRICT – ROAD FRONTAGE BUILDABLE PARCEL**

**307.01 Permitted Use**

The following Uses listed are permitted **on buildable parcels** in this District upon review and approval of a Site Plan, if applicable, and upon issuance of a Zoning Certificate, provided all other requirements of this Resolution have been met. (See Sections 601 and 603 of this Resolution)

USE	SECTION
Manufacturing processes. <i>Suggest making manufacturing a conditional use.</i>	

**307.02 Conditionally Permitted Use**

The following Uses may be permitted **on buildable parcels** in this District as Conditional Uses upon review and approval of a Site Plan and issuance of a Conditional Zoning Certificate by the Board of Zoning Appeals. (See Section 602 of this Resolution)

USE	SECTION
Telecommunications towers.	218

\*Telecommunication towers are a use by right in Commercial and Industrial Districts.

**307.03 Commercial District Buildable Parcel Area and Placement Requirements**

**307.03.2 Commercial District Buildable Parcel Reference Chart**

	MINIMUM DIMENSIONS	SECTION
<b>Buildable</b> Parcel Area	3 acres (2 acres if non-Residential Permitted or Conditional Use)	307.03.3
<b>Buildable</b> Parcel Frontage	200 ft. from the property line <del>or District line if mixed District parcel.</del>	307.03.4
Building Side Yard S/B	30 ft. from the property line <del>or District line if mixed District parcel.</del>	307.03.5
Driveway Side Yard S/B	20 ft. from the property line <del>or District line if mixed District parcel.</del>	
Parking Side Yard S/B	20 ft. from the property line <del>or District line if mixed District parcel.</del>	
Parking Rear Yard S/B	20 ft. from the property line <del>or District line if mixed District parcel.</del>	
Fencing Front Yard S/B	40 ft. from the center of the road. No fencing permitted forward of the setback line from side yard property line <del>or District line if mixed District parcel.</del>	
Fencing Side Yard S/B	Side yard property line <del>or District line if mixed District parcel,</del> beginning 40 ft. from the center of the road.	
Fencing Rear Yard S/B	Rear yard property line <del>or District line if mixed District parcel.</del>	

	MINIMUM DIMENSIONS	SECTION
Buffer Zone Front Yard <del>S/B</del> (non-Residential Permitted & Conditional Uses Only)	<del>30 ft. from Beginning at the center edge of the road. No measurement indicated.</del>	307.03.6
Buffer Zone Width (non-Residential Permitted & Conditional Uses Only)	20 ft. in width on all sides from the property line <del>or District line if mixed District parcel.</del>	307.03.6
<del>Visual Relief</del> Screening (non-Residential Permitted & Conditional Uses Only)	Screening on each side which adjoins a Residential Use or residential District parcel.	224
<del>Mixed District Parcel.</del>	<del>Each zoning District apportionment of the parcel shall follow the requirements of that District.</del>	310

**307.03.3 Buildable Parcel Area**

The minimum *buildable* parcel area of a parcel for Residential Use shall be three (3) acres. Where there is no Residential Use proposed on the parcel, the **buildable** parcel area may be reduced to two (2) acres providing it meets all other requirements. All **buildable** parcels shall have sufficient area for the installation of an on-site sewer system pursuant to the regulations of the Medina County Health Department, Medina County Sanitary Engineer, or Ohio EPA as appropriate.

**307.03.4 Buildable Parcel Frontage**

The minimum **buildable** parcel frontage on a public road shall be two hundred (200) feet wide continuous to the minimum building setback line for Residential Use. Corner parcels shall comply with the frontage requirement for each street on which the parcel has frontage.

**307.03.5 Building Setbacks**

Existing structures that were legally approved with lesser building setback line requirements shall use that structure's setback lines for any addition or new structure. Corner parcels shall comply with the minimum setback for each street on which the parcel has frontage. Building side yard and rear yard setback distances are measured from the property line for **Residential Use** and/or District line **for non-Residential Permitted or Conditional Use** if mixed District parcel. *\*Delete reference to District line.*

**307.03.6 Buffer Zone Minimum Area Requirements**

**The purpose of a buffer zone is to create a neutral space between two different types of buildings or properties in order to minimize disturbances between potentially incompatible land uses.** All non-Residential Permitted and Conditionally Permitted Uses shall have buffer zone area consisting of a landscaped and planted strip running continuous with the property line ~~or District line if mixed District parcel~~, using techniques such as; natural vegetation, grass or lawn in any combination. No building, structure, **driveway**, vehicle, equipment, machinery, product or materials, whether permanent or temporary are permitted in the buffer zone unless otherwise stated in this Resolution. *\*Suggest providing this regulation once and stating that it is applicable to all districts,*

AREA	MINIMUM DIMENSIONS
Front Yard Buffer Zone <del>Setback; 30-ft. from</del> <b>Beginning at the center edge of the road.</b>	20 ft. in width and running the entire frontage of the parcel except curb cuts and driveways.
Side Yard Buffer Zone; Beginning at the property line <del>or District line if mixed District parcel.</del>	20 ft. in width and running the entire length of the development area for each side yard.
Rear Yard Buffer Zone; Beginning at the property line <del>or District line if mixed District parcel.</del>	20 ft. in width and running the entire length of the development area rear yard.

**307.03.7 Road Right-of-Way**

The road right-of-way line shall be as shown on the records of Medina County, however for the purpose of determining the front parcel line, the distance shall not be less than thirty (30) feet as measured from the center of the road and running continuous the entire width of the parcel. The road right-of-way area shall be maintained as free from physical above the ground obstructions as possible. No permanent building or structures are permitted within the road right-of-way unless otherwise permitted by the Medina County Engineer's Office or the Ohio Department of Transportation.

*\*Suggest stating this once and referencing each district.*

**SECTION 308. INDUSTRIAL DISTRICT – ROAD FRONTAGE BUILDABLE PARCEL**

**308.01 Permitted Use**

The following Uses listed are permitted **on buildable parcels** in this District upon review and approval of a Site Plan, if applicable, and upon issuance of a Zoning Certificate, provided all other requirements of this Resolution have been met. (See Sections 601 and 603 of this Resolution) **\*Delete all references to buildable parcels.**

USE	SECTION
Manufacturing processes <del>that may be operated within the limitations of the Township infrastructure.</del> <b>**To narrow and would probably not withstand a challenge.</b>	

**308.02 Conditionally Permitted Use**

The following Uses may be permitted **on buildable parcels** in this District as Conditional Uses upon review and approval of a Site Plan and issuance of a Conditional Zoning Certificate by the Board of Zoning Appeals. (See Section 602 of this Resolution)

USE	SECTION
Telecommunications towers	218

**\*Telecommunication towers are a use by right in commercial and industrial districts.**

**308.03 Industrial District Buildable Parcel Area and Placement Requirements**

**308.03.2 Industrial District Buildable Parcel Reference Chart**

	MINIMUM DIMENSIONS	SECTION
<b>Buildable</b> Parcel Area	2 acres	308.03.3
<b>Buildable</b> Parcel Frontage	200 ft. from the property line <del>or District line if mixed District parcel.</del>	308.03.4
Building Side Yard S/B	30 ft. from the property line <del>or District line if mixed District parcel.</del>	308.03.5
Building Rear Yard S/B	25 ft. from the property line <del>or District line if mixed District parcel.</del>	308.03.5
Driveway Side Yard S/B	20 ft. from the property line <del>or District line if mixed District parcel.</del>	
Parking Side Yard S/B	20 ft. from the property line <del>or District line if mixed District parcel.</del>	
Parking Rear Yard S/B	20 ft. from the property line <del>or District line if mixed District parcel.</del>	
Fencing Front Yard S/B	40 ft. from the center of the road. No fencing permitted forward of the setback line from side yard property line <del>or District line if mixed District parcel.</del>	
Fencing Side Yard S/B	Side yard property line <del>or District line if mixed District parcel,</del> beginning 40 ft. from the center of the road.	
Fencing Rear Yard S/B	Rear yard property line <del>or District line if mixed District parcel.</del>	
Buffer Zone Front Yard <del>S/B</del> (non-Residential Permitted & Conditional Uses Only)	<del>30 ft. from</del> Beginning at the center edge of the road. <b>No measurement indicated.</b>	308.03.6
Buffer Zone Width (non-Residential Permitted & Conditional Uses Only)	20 ft. in width on all sides from the property line <del>or District line if mixed District parcel.</del>	308.03.6
<del>Visual Relief</del> Screening (non-Residential Permitted & Conditional Uses Only)	Screening on each side which adjoins a Residential Use or residential District parcel.	224

**308.03.3 Buildable Parcel Area**

The minimum buildable parcel area of a parcel shall be two (2) acres and shall have sufficient area for the installation of an on-site sewer system pursuant to the regulations of the Medina County Health Department, Medina County Sanitary Engineer, or Ohio EPA as appropriate.

**308.03.4 Buildable Parcel Frontage**

The minimum buildable parcel frontage on a public road shall be two hundred (200) feet wide continuous to the minimum building setback line. Corner parcels shall comply with the frontage requirement for each street on which the parcel has frontage.

**308.03.5 Building Setbacks**

Existing structures that were legally approved with lesser building setback line requirements shall use that structure's setback lines for any addition or expansion. Corner parcels shall comply with the minimum setback for each street on which the parcel has frontage. Building side yard and rear yard setback distances are measured from the property line ~~or District line if mixed District parcel.~~

**308.03.6 Buffer Zone Minimum Area Requirements**

The purpose of a buffer zone is to create a neutral space between two different types of buildings or properties in order to minimize disturbances between potentially incompatible land uses. All non-Residential Permitted and Conditionally Permitted Uses shall have buffer zone area consisting of a landscaped and planted strip running continuous with the property line ~~or District line if mixed District parcel,~~ using techniques such as; natural vegetation, grass or lawn in any combination. No building, structure, driveway, vehicle, equipment, machinery, product or materials, whether permanent or temporary are permitted in the buffer zone unless otherwise stated in this Resolution. *\*See previous statements concerning stating this once.*

AREA	MINIMUM DIMENSIONS
Front Yard Buffer Zone <del>Setback;</del> 30 ft. from <u>Beginning at the center edge</u> of the road.	20 ft. in width and running the entire frontage of the parcel except curb cuts and driveways.
Side Yard Buffer Zone; Beginning at the property line <del>or District line if mixed District parcel.</del>	20 ft. in width and running the entire length of the development area for each side yard.
Rear Yard Buffer Zone; Beginning at the property line <del>or District line if mixed District parcel.</del>	20 ft. in width and running the entire length of the development area rear yard.

**308.03.7 Road Right-of-Way**

The road right-of-way line shall be as shown on the records of Medina County, however for the purpose of determining the front parcel line, the distance shall not be less than thirty (30) feet as measured from the center of the road and running continuous the entire width of the parcel. The road right-of-way area shall be maintained as free from physical above the ground obstructions as possible. No permanent building or structures are permitted within the road right-of-way unless otherwise permitted by the Medina County Engineer's Office or the Ohio Department of Transportation. *\*See previous statements concerning stating this once.*

**SECTION 309. INDUSTRIAL DISTRICT – SEXUALLY ORIENTED BUSINESSES**

It is the purpose and intent of the provisions of this Zoning Resolution which specifically apply to Sexually Oriented Businesses and Adult Entertainment establishments as defined under Sections; 2907.38, 2907.39, 503.51–503.53 of the Ohio Revised Code, to regulate such business with the intent of promoting the health, safety, and ~~moral~~ welfare of the Litchfield Township, establishing reasonable and uniform regulations...

**309.01 Supplemental Requirements**

A Sexually Oriented Business or Adult Entertainment establishment is subject to review and approval of a Site Plan and issuance of a Zoning Certificate providing all other requirements of this Resolution have been met in addition to the following;

**309.01.1** Shall be a Permitted Use in the Industrial District only and is prohibited in Residential, Circle and Commercial Districts and residential dwellings in any District. *\*\*Is Industrial District really a viable area? If not, will lose protection in balance of Township you are seeking. \*\*\*The Industrial District parcels are sufficient for development and Zoning Commission recommends not including any other districts in the township for this use.*

**309.01.5** Structures shall be designed to prevent internal activities and displays from being seen from outside. No **sexually explicit** advertisement, displays or other promotional materials shall be shown or exhibited in any manner visible to the public from pedestrian sidewalks, roadways, or ~~from~~ other public ~~or semi-public~~ areas.

**\*\*Sexually explicit" must be defined.**

**\*\* Last sentence way too broad to withstand first amendment challenge.**

**SECTION 310. MIXED-DISTRICT PARCEL DEVELOPMENT**

~~A single parcel of record that is located in either the Circle District or the Commercial District where the road frontage apportionment of the parcel is zoned for that specific District, and the back-land apportionment of the parcel is zoned Residential District. Development of the parcel is subject to all other requirements of this Resolution in addition to the following;~~

~~**310.01** Zoning District apportionment of the parcel determines the Permitted Use or Conditionally Permitted Use. Non-residential development and Uses Permitted in the either the Circle District or Commercial District apportionment of the parcel shall not migrate into the Residential District apportionment of the parcel.~~

~~**310.02** Only one (1) primary Permitted Use building or structure per legal buildable or conforming parcel.~~

~~**310.03** Any additional primary Permitted Use building or structure in the adjacent zoning District of the mixed District parcel requires subdivision into conforming parcels. (See Section 302 of this Resolution)~~

~~**310.04** A Variance is required for construction of an additional primary Permitted Use building or structure on a parcel that cannot meet requirement 310.03 above. (See Sections 602 & 603 of this Resolution)~~

~~**310.05** Parcel area and placement for each zoning District apportionment of the parcel shall follow the requirements of that District. See Section 306 Circle or 307 Commercial for road frontage apportionment of parcel, and Section 304 for Residential apportionment of parcee~~

**Article V. NONCONFORMING USE, PARCEL, OR BUILDING**

**SECTION 502. NONCONFORMING USE**

**502.02 Discontinuance or Abandonment**

Whenever a nonconforming use has been voluntarily discontinued for a period of two (2) years or more, any further use shall be in conformity with provisions of this Resolution. A nonconforming use which has been abandoned shall not be replaced by a nonconforming use. ~~Among other causes, a nonconforming use shall be deemed abandoned when the use has been replaced by a conforming use.~~

**\*\*Law requires 'voluntary' discontinuance. Remove last sentence, can be replaced within 2 years.**

**502.06 District Changes**

Whenever the boundaries of a District shall be **are** 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.

**SECTION 503 NONCONFORMING BUILDING OR STRUCTURE**

**503.02 Restoration of Damaged Building or Structure**

Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, **demolition** or acts of God, subsequent to, **or after** 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.~~ **\*With the changes proposed, it appears that any non-conforming building or structure can be rebuilt.**

**SECTION 504. NONCONFORMING PARCEL.**

**504.02** When conforming building, structure or use of a nonconforming parcel of record cannot reasonably be established due to the yard or setback requirements of the district in which the parcel is located, the Board of Zoning Appeals may grant variances to yard or setback requirements as necessary to establish a Permitted Use of the District; **\*\*Eliminate Sec 504.02.1 & 504.02.2. Zoning Commission can not restrict power of BZA to grant variances.**

**504.04** Any nonconforming, legally created unimproved buildable parcel of record, prior to the effective date of this amendment, shall be reviewed by the ~~Board of Zoning Appeals~~ **Zoning Inspector** for placement of buildings or structures. (See Section 603 of this Resolution)

**SECTION 505. COMPLETION OF APPROVED CONSTRUCTION**

Nothing in this Resolution shall prohibit the completion of construction and the Use of a nonconforming building or structure for which a zoning certificate has been issued prior to the effective date of this Resolution, or any amendment, provided that construction is completed within two (2) years after the zoning certificate was issued. (See Section 603.06 of this Resolution) *\*Difficult to enforce a future action. What happens if it not completed?*

**SECTION 506. JURISDICTION**

**506.02** Except as provided in Section 506.01 above, whenever an application is submitted to the Zoning Inspector for a zoning certificate for the alteration, expansion, substitution, reconstruction, or replacement of a nonconforming use or of a nonconforming building or structure, or for a use or construction upon a nonconforming parcel, the land owner shall submit the application to the ~~Zoning Board of Appeals~~ **Zoning Inspector** for review and action.

**SECTION 507. LEGAL STATUS OF USES**

The following terminology is assigned to Uses. *\*Place in the Definitions section. \*\*\*In definitions, however recommend including here for clarity.*

**507.01 Conforming Use**

The use meets all applicable standards and regulations as established in this Zoning Resolution.

**507.02 Nonconforming Use**

The use does not meet all applicable standards and regulations as established in the Zoning Resolution, but the use or property received the required Township approval through a variance process; or was legally instituted prior to the adoption of this Resolution; or predated Zoning Resolution standards.

**507.03 Illegal Use**

A Use which may or may not conform to zoning, but never received the appropriate Township approval.

**Article VIII. DRIVEWAY & PARKING REGULATIONS**

**SECTION 801. GENERAL REQUIREMENTS**

No building or structure shall be erected, substantially altered, or its use changed unless an adequate permanently maintained off-street parking *area* outside of the public right-of-way has been provided in accordance with the provisions of this Section and applicable District Regulations. *\*Inserting the word "area" after off-street parking will make this clearer.*

**801.03** All lighting used to illuminate such driveway and parking areas shall be directed away from adjoining ~~premises~~ *properties* or roads. (See Section 212 of this Resolution)

**801.05** All non-residential Permitted and Conditionally Permitted Use permanent parking areas adjacent to a Residential use or Residential District ~~parcel~~ are required to provide ~~visual relief~~ screening on the side which adjoin the Residential use or Residential District ~~parcel~~. (See Sections 220 fences, *\*The word "parcel" is not needed.*

**SECTION 802. PARKING SPACE REQUIREMENTS**

**802.01** The minimum parking spaces for uses listed *below* in Section 803 shall be required whenever such use is permitted by the applicable District regulations. The inclusion of a use listed below shall not be construed as permitting that use, nor is the exclusion of a use to be construed as prohibited unless otherwise stated in this Resolution.

**802.02** All vehicles shall be parked or stored in designated parking areas. Parking or storage of any vehicle, equipment, machinery, product or material that encroaches *into* the minimum required District side yard or rear yard setback area requirement is prohibited. Off-street parking and loading/delivery requirements for a

use shall be developed as to be sufficient to meet all of the parking and loading/delivery needs of the proposed use. No parking, loading, delivery or servicing shall be done on the right-of-way of any public road, block vehicular access of or to a public road, or cause undo interference on or to a public road, otherwise said condition may be considered a nuisance under Section 203 of this Resolution. *\*Inserting the word "into" after encroaches will make this clearer. What happens with parking on the driveway?*

**802.03** Where two (2) or more uses are located on the same parcel, the total number of minimum spaces required for the parcel shall equal the individual requirements summed. *\*Consider shared parking for uses that have peak occupancy at different times, e.g. offices and restaurants.*

**SECTION 803. SCHEDULE OF PARKING SPACE MINIMUMS**

USE	OFF-STREET SPACES REQUIRED
<del>Animal boarding/shelter/rescue facilities.</del>	<del>1 space per 2 employees, plus 1 space for loading/delivery area.</del>
Offices such as; financial, legal, accounting, real estate, insurance, engineering, architectural, technology, health-care specialist, medical doctor, dentist, travel agencies, marketing or sales, counseling.	1 space for each 400 sq. ft. of floor area. <i>*Suggest 1 space per 250 sq. ft. for medical office buildings.</i> <i>***400 sq ft sufficient as a minimum</i>
Residential dwelling.	1 space per dwelling unit.*

*\*1 space per residential dwelling is not adequate. Suggest at least 2 and preferably 2 enclosed and 2 in the driveway. \*\*1 space for Residential dwelling is the minimum.*

**Article IX. DEFINITIONS** *\*\*\*Zoning Commission removed certain definitions not referenced in text.*

**Agritourism:** see Ohio Revised Code Section 519. *\*Not used in the text. \*\*\*Will be defined in the ORC soon.*

~~**Airport, Private or Commercial Aircraft Landing Field:** Any area of land or water which is used or intended to be used either publicly or privately for the arrival or departure of one or more aircraft, and any appurtenant areas used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.~~

~~**Automobile Graveyard:** Any establishment or place of business which is maintained, used or operated for storing keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.~~

**Buffer Zone: A neutral space between two different types of buildings or properties in order to minimize disturbances between potentially incompatible land uses.**

~~**Development Buildable Area:** The area of land use within a lot or parcel. \*Staff has suggested deleting all references to "buildable" parcel. Buildable area can be defined as that portion of a lot excluding the setback areas.~~

~~**Camping:** An elective outdoor recreational activity with a minimum of one night spent outdoors, distinguishing it from day tripping, picnicking, and other similarly short-term recreational activities.\*\*\*Removed from text.~~

~~**Commercial Vehicle/Equipment** – Any commercial vehicle or equipment as defined by the State of Ohio requiring Commercial Plates. \*\*Now listed as; Vehicle, Commercial~~

~~**Conditional Use** – A use permitted within a district other than a principally permitted use, requiring a conditional zoning certificate and approval of the Board of Zoning Appeals.\*\*\*Now listed as; Use, Conditional~~

~~**Conditional Zoning Certificate** – A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use.\*\*\*Now listed as; Zoning Certificate~~

~~**Certificate of Compliance** – Certificate of Zoning Compliance is a document issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of the Litchfield Zoning Resolution.~~

**Dwelling, Unit: Is a principal building consisting of just one habitable living area or suite that does not share an inside or outside wall with any other house or dwelling. \*This definition is more for a dwelling than a dwelling unit. Suggest the following:**

*A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

**Dump/Dumping:** Any ~~premises~~ **lot or land or part thereof** used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of garbage, sewage, trash, refuse, waste material of any kind, junk, discarded machinery, vehicles, or parts thereof, offal or dead animals.

**Frontage, Road Lot:** A lot bordering a public road, which meets the minimum frontage requirements of this zoning code. ~~\*\*\*Now listed as: Lot; Frontage~~

**Garage, detached:** An accessory building not connected to the main building, 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 to which it is accessory.

**Hotel or Motel:** 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 lodging house. ~~\*\*\*Not in uses or text.~~

**Meeting/Party Facility or Event Venue:** ~~A location where an organized public or private gathering takes place.~~ ~~\*\*\*Now listed as Event/conference/wedding or party center.~~

**Nonconforming Use:** A building, structure or use of land *legally* existing at the time of the enactment or amendment of the Resolution, and which does not conform to the current zoning regulations of the district in which it is located.

**Non-Residential Use:** A business **or commercial** use, including hobby activities conducted on the property or parcel. *\*What about an industrial use? \*\*\*Industrial is a business or commercial use. Certain hobby activities, such as automotive restoration or repair may be considered non-residential in nature.*

**Nuisance:** Anything offensive or obnoxious to the health and welfare of the inhabitants of the township; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community. *\*The section on Nuisance is proposed to be removed from the text as not being a zoning issue. \*\*Too broad and will involve Township in private citizen fights. \*\*\*Township trustees are prepared for challenges.*

**Outdoor Wood-fired Hydronic Heaters:** A fuel burning device that is designed to burn wood, biomass fuel products or other approved solid fuels for outdoor installation or installation in structures not normally occupied by humans, that heats building space or water, or both, typically through pipes for a fluid, or ducts for air, that is heated in the device. ~~\*\*\*These devices removed for text and uses..~~

**Permanent Abandonment** - The facility is no longer being utilized for telecommunication by all carriers, including all local safety organizations. ~~\*\*\*Not used in text.~~

**Public Utility:** Any person, firm, corporation, governmental agency or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraphy, or transportation of water. ~~\*\*too narrow~~

**Rear Lot/Parcel:** Is a lot located behind a ~~road frontage~~ parcel or lot that meets current zoning requirements.

**Recreational Camping Vehicle:** A motorized vehicle, trailer or other wheeled vehicle equipped with living space and amenities found in a home. ~~designed or used for camping.~~

**Residence, Single-family; See Dwelling; single-family.** Is a principal building that is usually occupied by just one household or family, and consists of just one dwelling unit or suite and does not share an inside or outside wall with any other house or dwelling.

**Roadside Stands:** A removable stand or a 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 a premises and to be removed and stored behind the building setback line on the property at the conclusion of the seasonal sales.~~

**Sewers, Central or Group:** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region. ~~\*\*\*Not used in text.~~

**Storage Building:** A principal building located on a vacant parcel, or where no principal single-family dwelling, commercial, industrial or conditional use building exists. The building is for personal use of the property owner only and shall not be constructed or occupied as a permanent or temporary residence, dwelling or living area, and/or operated as a commercial, industrial, conditional use, or home business occupation. ~~\*\*\*Zoning Commission removed storage building section from text and uses.~~

**Tent:** Shelters specifically designed for recreational camping use consisting of fabric or other similar materials draped over or attached to a frame. *\*\*\*Not used in text.*

**Tower Height:** The tower height is defined as the distance from the top surface of the ground at the tower foundation to the highest possible vertical position of the turbine.

**Trailer Park:** Any site, or tract of land under single ownership, upon which three (3) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes.

**Use, Abandonment:** When a Conditional Use has been discontinued or abandoned for a period of at least two (2) years.

**Use, Change of:** The current use is changed to a different use. (example; a 'residential dwelling' is now used as a 'retail store' or a 'retail store' is now used as a 'restaurant'.) *\*\*\*Zoning Commission recommends including this term for clarity on use changes.*

**Vehicle, Collector's:** Any motor vehicle or agricultural tractor or tractor engine that is of special interest, that has a fair market value of one hundred (100) dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. *\*\*\*Collector vehicle is not used in text.*

**Vehicle, Licensed:** A vehicle ~~including a collector's vehicle~~, other than an agricultural tractor or traction engine that displays current, valid license tags. *\*\*\*Collector vehicle is not used in text.*

**Yard, 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 any building or structure existing or proposed for construction on said lot. Where the right-of-way line of a public or private street is not established, the right-of-way shall be assumed to be thirty (30) feet on either side of the centerline of the road. *\*Private streets don't have right-of-ways. Suggest using thirty (30) feet on either side of the centerline of the road or edge of pavement.*

**Zoning Map** - Areas designated by the Zoning Resolution as being Residential, Circle, Commercial, or Industrial districts maintained in the office of the Zoning Inspector. *\*Suggest the following:  
A map adopted by the Township that graphically shows all zoning district boundaries and classifications within the Township.*

**Zoning Permit** - A document issued by the Zoning Inspector authorizing use within the regulations of the Zoning Resolution which is the same as Zoning Certificate as authorized in ORC 519.17

**Zoning Text** - Those parts of the Zoning Resolution which regulate building lot size, set back areas, etc. within the Township.