

**ARTICLE IV**  
**DISTRICT REGULATIONS**

**CHAPTER 410**  
**Single-Family Residential District Regulations**

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**Sec. 410.1 PURPOSE**

Single-Family Residential Districts (R-R, R-1, R-2, and R-3) and their regulations are established in order to achieve, among others, the following purposes:

- A. To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces for each unit appropriate for the various districts;
- B. To regulate the density and distribution of population in accordance with the Montville Township Comprehensive Plan/Development Plan (Effective June 22, 2006) to avoid congestion and to provide adequate public services;
- C. To provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities;
- D. To carry out the following specific purposes:
  - 1. The R-R Rural Residential District is established to provide for single-family residential developments with a four (4) acre minimum lot size in order to maintain the rural character in the Township. As an alternative, conservation planned residential developments are permitted when a minimum of 50 % of the site is preserved as open space.
  - 2. The R-1 District is established to provide for the development of low density single-family residential dwellings on subdivided lots with a minimum lot size of two (2) acres, planned neighborhood developments to enable the review of large scale developments, and controlled density

planned residential developments to preserve reasonable amounts of open space in the Township.

3. The R-2 District is established to provide for the development of single-family residential dwellings on subdivided lots with a minimum lot size of 22,000 square feet, and controlled density planned residential developments to discourage large concentrations of intensive development where it is desirable to preserve reasonable amounts of open space and maintain the suburban character of the Township.
  4. The R-3 District is established to encourage single-family residential dwellings at a density of approximately 2.7 dwelling units per acre in locations that are adjacent to the City of Medina, and controlled density planned residential developments to discourage large concentrations of intensive development where it is desirable to preserve reasonable amounts of open space and maintain the suburban character of the Township. This District is to serve as a transitional district between similar or higher density residential neighborhoods in the City and the intended lower density residential neighborhoods in the Township in a manner that will provide for the efficient development and utilization of community facilities such as water and sewers, streets, and schools. (Revised September 27, 2007)
- E. To promote the most desirable and beneficial use of the land in conformity with the Township Comprehensive Plan/Development Plan. (Effective June 22, 2006)

**Sec. 410.2 USE REGULATIONS.**

- A. A use listed in Schedule 410.3 shall be a principal use permitted by right in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- B. A use listed in Schedule 410.3 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 450 have been met according to the procedures set forth in Chapter 730;
- C. An accessory use that is clearly incidental to and located on the same lot as a use listed in Schedule 410.3 shall be permitted provided that the requirements of all other township resolutions and this Zoning Resolution have been met. Accessory uses are further regulated as noted below:
  1. Accessory buildings and structures, see also Sec. 410.8 D.
  2. Family day care home, type B, see also Sec. 410.10.
  3. Fences, walls and hedges, see also Sec. 410.8 K.
  4. Home occupation, see also Sec. 410.9.
  5. Off-street parking area, see also Sec. 410.8 F.

6. Ponds and lakes, see also Sec. 330.5.
7. Private swimming pool, see also Sec. 410.8 I.
8. Private stable, see also Sec.330.1 C.
9. Roadside stand, see also Sec. 330.1 B.
10. Signs, see also Chapter 510..
11. Storage or parking of recreational vehicles, see also Sec. 410.8 G.
12. Temporary buildings for uses incidental to construction, see also Chapter 320, Sec. 320.4.
13. Temporary garage sale or special event, see also Sec. 330.4.

D. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular residential district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12, or upon the granting of a variance.

**Sec. 410.3 SCHEDULE OF USES.**

	R-R	R-1	R-2	R-3
	Rural Residential District	Single-Family Low Density Residential District	Single-Family Suburban Residential District	Single-Family Urban Residential District
<b>A. Residential</b>				
1. Single-family detached dwellings	P	P	P	P
2. Single-family subdivision	P	P	P	P
3. Conservation Planned Residential Development in compliance with Chapter 414	P	--	--	--
4. Controlled Density Planned Residential Development in compliance with Chapter 414 (R-3 Effective 9/27/07)	--	P	P	P
<u>Notes to Schedule 410.3</u>				
P -- Principal use permitted by right.                      C-- Conditional use                      -- Not permitted				

	R-R	R-1	R-2	R-3
	Rural Residential District	Single-Family Low Density Residential District	Single-Family Suburban Residential District	Single-Family Urban Residential District
5. Planned Neighborhood Development in compliance with Chapter 412	--	P	--	--
6. Adult family home and family home for handicapped persons in compliance with Sec. 410.11.	P	P	P	P
7. Accessory Living Quarters	C	C	C	C
<b>B. Community Facilities</b>				
1. Cemetery	C	C	C	C
2. Church or other place of worship	C	C	C	C
3. Day care center, child and/or adult (Effective June 22, 2006)	C	C	C	C
4. Family Day Care Home, Type "B" (Effective June 22, 2006)	P	P	P	P
5. Essential services	P	P	P	P
6. Institution for higher education	--	--	C	--
7. Institutional meeting facility	--	--	C	--
8. Public safety facility	C	C	C	C
9. School, public or private, library	C	C	C	C
<b>C. Recreation/Open Space</b>				
1. Agriculture in compliance with Sec. 330.1	P	P	P	P
2. Camp facility, noncommercial including overnight and related accommodations	C	C	--	--
3. Golf course, private, public, or semi-private; country club, public or private. (Rev. 1/13/11)	C	C	C	--
4. Park, playground, picnic area, public or private	C	C	C	C
5. Riding facility, noncommercial public or private	C	C	--	--
<u>Notes to Schedule 410.3</u>				
P -- Principal use permitted by right.      C-- Conditional use      -- Not permitted				

	R-R	R-1	R-2	R-3
	Rural Residential District	Single-Family Low Density Residential District	Single-Family Suburban Residential District	Single-Family Urban Residential District
6. Tennis club, club swimming pool or similar noncommercial recreation facility	C	C	C	C
<b>D. Other</b>				
1. Parking area for adjacent lot in commercial district	C	C	C	C
2. Public utility wireless telecommunication tower and/or facility (Revised 5/28/09 & 10/28/10)	C	C	C	C
3. Non-public utility wireless telecommunication facility (Effective 10/28/10)	(a)	(a)	(a)	(a)
Notes to Schedule 410.3				
<i>(a) Shall be permitted only as a co-location on existing towers in residential districts.</i>				
P -- Principal use permitted by right.      C-- Conditional use      -- Not permitted				

**Sec. 410.4 LOT REQUIREMENTS.**

Lots created in residential districts shall comply with the area and dimension requirements specified in Schedule 410.4 for the district in which the lot is located, except as otherwise regulated in Chapter 412 for Planned Neighborhood Developments and Chapter 414 for Planned Residential Developments.

- A. Minimum Lot Area and Width. The area and width of a lot shall not be less than the dimensions set forth in Schedule 410.4, unless a larger lot is required by the Medina County Health Department to adequately accommodate individual sanitary sewage disposal systems. The width of a lot shall be measured at the building line.
- B. Minimum Lot Frontage. The minimum lot frontage on any public or private street shall be the same as the minimum width at the building line (Effective June 22, 2006) except for lots on curved streets or cul-de-sacs, as set forth in Schedule 410.4.
- C. One Dwelling per Lot. There shall not be more than one dwelling constructed on a lot except as otherwise permitted in Chapter 412 for Planned Neighborhood Developments and Chapter 414 for Planned Residential Developments.

**Schedule 410.4 Minimum Lot Requirements:**

	R-R	R-1	R-2	R-3
1. Min. Lot Size	4 acres	2 acres	22,000 sq.ft.	12,000 sq. ft.
2. Min. Width at Building Line	250 ft.	175 ft.	90 ft.	80 ft.
3. Min. Lot Frontage for lots on curved streets or cul-de-sacs	125 ft.	85 ft.	50 ft.	50 ft.

**Sec. 410.5 YARD REQUIREMENTS.**

Principal buildings shall be located on a lot in a manner that maintains the minimum required yards set forth in this section for the district in which the lot is located, except as otherwise regulated in Chapter 412 for Planned Neighborhood Developments and Chapter 414 for Planned Residential Developments. Every part of a required yard shall be unobstructed and open to the sky, except as otherwise specifically permitted in this Chapter.

- A. Required Front Yard. Each lot shall maintain a front yard in compliance with the following:
  - 1. A front yard shall not be less than the depth specified in Schedule 410.5, measured from the street right-of-way line.
  - 2. Notwithstanding subsection A.1, in areas where the average depth of at least two existing front yards on lots within 200 feet of the lot in question and within the same block front are less than or greater than the required front yard, the minimum required front yard on such lot may be modified. In such case, this shall not be less than the average depth of said existing front yards on the two lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the required depth of the front yard on any lot shall not be less than 25 feet.
  - 3. Corner lots shall comply with the front yard setback for each street on which the lot has frontage.
  
- B. Required Side Yards. Every interior and double frontage lot shall have and maintain two side yards. Schedule 410.5 sets forth the minimum width of a side yard. Corner lots shall maintain one side yard that shall comply with the minimum width set forth in Schedule 410.5.
  
- C. Required Rear Yards. Each lot shall maintain a rear yard as specified in Schedule 410.5, except as otherwise required for double frontage lots in subsection D. below.

- D. Double Frontage Lots. Double frontage lots shall have and maintain one front yard and one rear yard, however when the rear yard is adjacent to one or more front yards of abutting lots, the rear yard of the double frontage lot shall comply with the district requirements for front yards.
- E. Riparian and Wetland Setbacks: See Chapter 570 (Revised 12/24/09)
- F. Schedule 410.5: Minimum Yard Requirements for Principal Buildings.

	R-R <sup>(a)</sup>	R-1	R-2	R-3
1. Front Yard	70 ft.	70 ft.	50 ft.	40 ft.
2. Side Yard	30 ft.	20 ft.	12 ft.	10 ft.
3. Rear Yard	70 ft.	50 ft.	50 ft.	30 ft.
<u>Notes to Schedule 410.5:</u>				
(a) Subdivided lots not part of a PRD are approved as conditional use.				

**Sec. 410.6 HEIGHT REQUIREMENTS.**

All buildings and structures shall comply with the following height regulations.

- A. The height of principal buildings shall not exceed 35 feet.
- B. The height of accessory buildings and structures shall not exceed 20 feet, unless otherwise specified in this Zoning Resolution.
- C. Permitted height exceptions are set forth in Sec. 330.2.

**Sec. 410.7 DWELLING UNIT REQUIREMENTS.**

A. Floor Area Requirements. In order to promote healthful living conditions and to stabilize the value and character of residential areas, single-family dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following minimum floor area requirements. For the purposes of calculating the floor area, all areas within basements, garages and any attached or detached accessory building or structure shall not be included. (Revised 12/24/09)

- 1. Total Floor Area:
  - a) Single-family dwelling unit without basement: 1,400 square feet
  - b) Single-family dwelling unit with basement: 1,200 square feet.
- 2. Minimum Ground Floor Area: 1,000 square feet, excluding garage, porch or attachments or additions.

- B. One Story Above Ground. All dwellings shall have at least one story above ground level and shall have a continuous and complete solid concrete or masonry perimeter foundation installed to a depth below the frost line.
- C. Siting Requirements. All dwelling units proposed to be located in any district shall comply with the following requirements:
  - 1. The structure shall be installed upon and properly attached to a permanent foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line in compliance with the Medina County Building Department regulations.
  - 2. Any hitches, axles, wheels, and conveyance mechanisms from factory-built housing shall be removed from the structure.
  - 3. The structure shall be connected to appropriate utilities.
  - 4. The structure shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering.
  - 5. All portions of the lot not covered by permitted structures shall be planted with grass, trees, shrubbery, appropriate ground cover or natural landscaping. All landscaping shall be adequately maintained. (Effective June 22, 2006)
- D. Conformance with Building Requirements. All dwelling units shall conform either to the OBOA One and Two-family dwelling code, other applicable building code, or be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. All units constructed pursuant to the HUD Code shall bear a permanent label or tag as specified in 42 U.S.C.A. 5415 certifying compliance with all federal construction and safety standards. (Revised 07/23/09)

**Sec. 410.8 ACCESSORY USE REGULATIONS.**

Accessory uses, buildings and structures and appurtenances to principal buildings in residential districts shall conform to the location, coverage and maintenance standards contained in this Section.

- A. Projections into Required Yards. Appurtenances, such as skylights, sills, belt-courses, cornices, and ornamental features, attached to the principal building may project a maximum of 12 inches into a required yard. The ordinary projections of chimneys or flues are permitted into the required side, rear and front yards.
- B. Location Requirements for Accessory Uses. An accessory building or use permitted in a residential district shall be located as set forth in Schedule 410.8. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this Section.

C. Schedule 410.8: Yard Requirements for Accessory Buildings and Structures.

Use	Yard Permitted	Front Yard Regulations	Minimum Setback From Lot Line	
			Side	Rear
1. Accessory buildings (c)	Side, rear	NA	(a)	(a)
2. Driveways	Front, side, rear	--	3 ft.	3 ft.
3. Uncovered decks, patios, terraces, porches, platforms, and ornamental features that extend from the main living floor of a residence or a patio from a walkout basement. ( Revised June 21, 2007 )	Side, Rear	NA	(a)	(b)
4. Open, unenclosed porch or paved terrace	Front	(b)	NA	NA
5. Fences, walls	Front, side, rear	0 ft.	0 ft.	0 ft.
6. Outdoor storage of recreation vehicle	Side, Rear	NA	10 ft.	10 ft.
7. Swimming pools/spas	Rear	NA	(a)	2 times (a)
8. Communication device antennas with a diameter greater than 39 inches	Side, Rear	NA	20 ft.	20 ft.
9. Public utility wireless telecommunication tower and/or facility (Effective 10/28/10)	Side, Rear	NA	(d)	(d)
10. Wind Energy Conversion Systems (WECS) (Effective 10/28/10)	Rear	NA	(e)	(e)
11. Outdoor Wood-Fired Hydronic Heater EPA Phase II (Effective 10/28/10)	Rear	NA	(a)	(f)

Notes to Schedule 410.8:  
 (a) Shall comply with side yard setback for principal buildings set forth in Schedule 410.5.  
 (b) May project a maximum of 10 ft. into required yard.  
 (c) Not permitted in cluster home areas. (Effective June 22, 2006)  
 (d) Highest point of the TCF plus 25 ft. (Effective 10/28/10)  
 (e) Height of turbine at the tip of the blade at its highest vertical position plus ten feet. (Effective 10/28/10)  
 (f) Shall comply with rear yard setback for principal buildings set forth in Schedule 410.5. (Effective 10/28/10)  
 NA = Not applicable

D. Accessory Buildings.

1. All accessory buildings shall comply with the setback requirements of Schedule 410.8 and shall be located a minimum of 15 feet from the principal building.

2. All accessory buildings shall comply with the height requirements of Section 410.6 B. (Effective 06/22/06; Revised 10/28/10)
  3. Each dwelling unit shall be permitted to have only one accessory building, the maximum size of which shall not exceed one (1) percent of the platted lot area, nor 2,500 square feet, whichever is less.
  4. The construction of accessory buildings shall require a zoning certificate, in compliance with the application requirements set forth in Sec. 710.3A.
- E. Maximum Coverage of Rear Yard. The total area of all detached accessory buildings and structures, including garage, swimming pool, decks, and storage sheds shall not exceed 30% of the rear yard area.
- F. Additional Regulations for Parking Areas and Driveways. In addition to the locational requirements set forth in Schedule 410.8, driveways and open off-street parking areas shall comply with the following:
1. All motor vehicles shall be parked in a driveway or parked or stored in a garage.
  2. Driveways shall be a minimum of eight (8) feet wide and shall extend from the pavement of the street upon which the lot fronts to the garage and parking area associated with the residence.
  3. Driveways may be used for the following purposes:
    - a) The parking of motor vehicles owned by the occupants of the dwelling and their visitors. (Effective June 22, 2006)
    - b) The parking of one commercial car or truck not exceeding 7,000 pounds gross weight that is used in connection with said occupant's livelihood, except for emergencies and making deliveries.
    - c) The parking or storage of recreational vehicles in compliance with subsection G. below.
- G. Parking or Storage of Recreational Vehicles and Equipment. In addition to the locational requirements of Schedule 410.8, any recreational vehicle, camper, or boat, on or off wheels shall be either stored wholly within a garage or outdoors in compliance with the following regulations:
1. Not more than one recreational vehicle, camper or boat, or trailer for such vehicle or equipment, shall be stored outdoors.
  2. Outdoor storage shall be permitted only in the side or rear yard on a paved or gravel surface, and shall be adequately screened from view from adjacent property according to the procedures set forth in Chapter 530. (Effective June 22, 2006)

3. A recreational vehicle, camper, or boat may be parked in a driveway in the front yard only for loading or unloading purposes for a period not to exceed 72 hours in any seven-day period.
  4. Recreational vehicles, campers, and boats shall not be used as a dwelling, office, or other business structure, or for storage of any material, and shall have no connections to any electric, telephone, water, sewer, gas, or fuel source.
- H. Parking or Storage of Inoperable or Unlicensed Motor Vehicles. The storage of any inoperable, motor propelled vehicle or accessory to same shall not be permitted on any lot or parcel of land except in an enclosed accessory garage. No operable unlicensed motor vehicle shall be stored outdoors on a lot for more than 15 days.
- I. Swimming Pools and Spas. Private swimming pools and spas may be located in any Residential District provided they comply with location and coverage requirements of Schedule 410.8, Sec. 410.8E and the following supplemental regulations:
1. Swimming Pools (Effective June 22, 2006)
    - a) For the purpose of these zoning regulations, swimming pools and spas containing over two (2) feet of water depth shall be considered structures and shall require a zoning certificate as set forth in Section 710.3A prior to installation.
    - b) In-ground pools and above-ground pools, including permanent or temporary inflatable type pools, with a height less than four (4) feet shall be completely surrounded by a fence or wall not less than four (4) feet in height.
    - c) Above-ground pools including permanent or temporary inflatable type pools and those with removable ladders having vertical surfaces of at least four (4) feet in height shall be required to have fences not less than four (4) feet in height and a gate only where access may be had to the pool.
    - d) An above ground pool attached to a deck with a minimum height of four (4) feet and security gate shall replace the need for a fence..
    - e) Fences shall be constructed so as to have no openings, holes, or gaps larger than four (4) inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure. (Revised 10/28/10)
    - f) Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion.
    - g) The construction, plumbing and electrical requirements, inspections, and other safety shall comply with all applicable county codes.

2. Spas (Effective June 22, 2006)
  - a. Access to in-ground and above-ground spas must be limited by a locked cover, or completely surrounded by a fence, or a fence and locked gate where access may be had to the spa.
  - b. Such fence shall not be less than four (4) feet in height and shall be constructed so as to have no openings, holes, or gaps larger than four (4) inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure. (Revised 10/28/10)
  - c. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion.
  
- J. Ponds and Lakes. Accessory ponds and lakes in Residential Districts shall comply with the requirements set forth in Sec. 330.5.
  
- K. Fences, Walls and Hedges. In addition to the locational requirements set forth in Schedule 410.8, fences, walls and hedges shall comply with the following:
  1. Certificate Required. For the purposes of these zoning regulations, fences and walls shall be considered structures and shall require a zoning certificate as set forth in Sec. 710.3.A. prior to installation, except as otherwise permitted in subsections K.5 and K.6.
  
  2. Front Yards:
    - a) Fences, walls and hedges in the front yard shall not exceed a height of four (4) feet.
    - b) Fences of woven wire, chain link, or barbed wire construction or masonry-type walls shall be prohibited in the front yard.
    - c) Fences and walls shall have uniform openings aggregating at least 50% of their surface area.
  
  3. Side and Rear Yards:
    - a) Fences and walls located in the side or rear yards shall not exceed a height of six (6) feet, except as otherwise required in Section 540.5 F. (Revised 10/28/10)
    - b) Hedges and informal plantings, such as trees and shrubs, may be higher than six (6) feet provided they are maintained and trimmed so as not to cause a nuisance to adjoining property.
    - c) Solid walls, screens, and privacy enclosures, which are designed as an integral or component part of the dwelling structure and using materials common to the dwelling structure, shall comply with the principal building setbacks set forth in Schedule 410.5 for the front and rear yards, shall be

permitted no closer than ten (10) feet from either side lot line, and shall be permitted to a maximum height of six (6) feet.

4. Construction, Maintenance and Repair.

- a) Fences and walls shall be well maintained and harmonious and appropriate in appearance with the existing character of the immediate area in which it is located.
- b) No fence, wall or hedge shall be constructed so as to be hazardous to existing or future neighboring uses.
- c) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.
- d) When erected near a property or lot line, the entire fence or wall and any of its supporting structures, appurtenances or foundations shall be contained within the lot or property of the person erecting or having erected said fence or wall. (Effective June 22, 2006)
- e) All fences, walls and hedges shall be maintained in a neat and orderly manner.

5. Snow Fences. A snow fence or fence of similar type may be erected in any yard during the period from November 1<sup>st</sup> to April 1<sup>st</sup> for the sole purpose of preventing the drifting of snow on highways, driveways and sidewalks. Such fence shall not otherwise be used at any time as a temporary or permanent fence or enclosure. No permit shall be required.

6. Decorative Fencing. Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length but which comply with the height, yard and maintenance requirements set forth in this subsection, shall not require a permit.

L. Wind Energy Conversion Systems (WECS). (Effective 10/28/10)

The following resources were used to establish the regulations for wind energy conversion systems:

American Wind Energy Association (AWEA), [www.awea.org](http://www.awea.org); *In the Public Interest: How and Why to Permit for Small Wind Systems*, [www.awea.org/smallwind/pdf/inthepublicinterest/pdf](http://www.awea.org/smallwind/pdf/inthepublicinterest/pdf); *Jackson Officials Look to Regulate Wind Turbines*, Massillon Independent, February 15, 2008; *To Avoid Fights, Set Rules for Windmills Now, Experts Say*, The Columbus Dispatch, March 17, 2008; *Small Wind Electric Systems – An Ohio Consumer’s Guide*, U.S. Department of Energy; *Energy Savers Tips on Saving Energy and Money at Home*, [www.eere.energy.gov/consumerinfo/energy\\_savers](http://www.eere.energy.gov/consumerinfo/energy_savers); *Alternative Energy Sources Ordinance*, City of Norton, Summit County, Ohio; *Draft Alternative Energy Source Code*, City of Green, Summit County, Ohio; *Draft Energy Generating Devices (non-commercial) as an Accessory Use Structure Resolution*, Homer Township, Medina County, Ohio; *Small or Distributed Wind Energy*

*Systems* presentation by Glen A. Ginesi, NexGen Energy Partners, [www.NexGen-EnergyPartners.com](http://www.NexGen-EnergyPartners.com); *Industries Ready to Ride the Wind*, Akron Beacon Journal, January 11, 2010; *Air of Hope Whirls In*, Akron Beacon Journal, January 10, 2010; *Bowling Green Wind Farm Might Grow*, Akron Beacon Journal, January 10, 2010; *Turbine Manufacturer Cranks into Gear*, Akron Beacon Journal, January 11, 2010; *Wind Power to the People*, Medina Gazette, January 7, 2010. Ragnoni, *Vertical Axis Wind Turbines* presentation by V., and M. Townsley, Zoning Commission Meeting, Montville Township Administration Building, Medina, Ohio, 24 Feb. 2010.

1. Single mono-pole wind turbines (WECS) are permitted uses in all zoning districts as an accessory use on a parcel with a minimum of ten (10) acres.
2. The electricity shall be generated for the on-site consumption of the owner of the lot upon which the turbine is built.
3. Wind turbines (WECS) supported by guy wires are not permitted.
4. No wind turbines shall be located in the front or side yards.
5. All wind turbines shall be UL listed and comply with power company requirements.
6. Freestanding wind turbines shall not be installed or erected on a mound or base for the intention of siting the system higher than the natural grade and shall not exceed 160 feet from natural grade to the tip of the blade at its highest vertical position. See also Section 330.2 D.
7. The minimum fall zone for freestanding wind turbines shall be equal to the height of the turbine at the tip of the blade at its highest vertical position plus ten (10) feet and shall be measured from the base of the tower and shall be free from all overhead transmission lines, public or private streets, above ground gas or oil storage or pumping facilities, property lines, and/or buildings meant for human occupation.
8. Signage identifying the manufacturer, owner, voltage and emergency contacts shall be posted on the wind turbine pole at eye level. Signage shall not exceed one (1) square foot and shall not require a permit. No other signage shall be allowed.
9. The sound pressure level produced by a wind turbine shall not exceed 10 decibels above the ambient decibel level, measured at any property line abutting a contiguous property not owned by the system owner. The sound pressure level shall be measured by successively measuring the sound with the wind turbine turned on, and measured again with the turbine turned off. This level may be exceeded during short-term events, such as times of excessive wind speeds or during power outages. Sound examples:

Falling leaves = 15 decibels

Whispering	= 25 decibels
Wind Turbines	= 45 decibels
Homes	= 55 decibels
Office noise	= 65 decibels
Inside car	= 85 decibels

10. During the location design phase, the owner shall anticipate possible shadow flicker on neighboring properties, and make reasonable efforts to reduce or remove the impact to human occupied structures.
11. Safety Standards include the following:
  - a) Each wind turbine system shall be equipped with both manual and automatic controls to limit the rotational speed to correspond with the design limits of the rotor.
  - b) To control wind tower access, tower-climbing apparatus for freestanding wind turbines shall be located no closer than fifteen (15) feet from the ground; or have a locked anti-climb device installed on the tower; or the tower shall be completely enclosed by a locked, protective six (6) foot tall fence.
  - c) Wind turbines shall not be artificially lighted, except to the extent that may be required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - d) Transmission and power lines shall be placed underground and wiring from the turbine to ground level shall be within the monopole.
12. Wind turbines and components shall be painted or finished with a non-reflective unobtrusive color that blends into the surrounding landscape to the greatest extent possible.
13. Freestanding Wind Turbine Maintenance and Removal:
  - a) The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines of the Montville Township Zoning Resolution. If a wind turbine system ceases to perform as originally intended for more than six consecutive months, i.e., zero electricity generation for a period of six (6) consecutive months, the property owner is responsible for repair or totally removing all parts of the system no later than ninety (90) days after the end of the six (6) month period.
  - b) Upon failure to remove an inoperable wind turbine within the required timeframe, the Montville Township Zoning Office shall issue a Notice of Violation directing the removal of the wind turbine and all

components within ninety (90) days. Upon confirming continuing noncompliance, the Montville Township Zoning Office may contract with a contractor to remove all wind turbine components as established in the required entry agreement provided by the property owner at the time of permit application.

- c) The property owner is responsible for all costs and expenses incurred in connection with securing, removing, and disposing of the system. Upon failure to pay invoices for all such costs and expenses within thirty (30) days of invoicing by the Montville Township Fiscal Officer or designee, any unpaid costs will be placed as a lien to be collected as part of the real estate taxes.

14. Application Submittal Requirements:

- a) A Development Plan Review and Zoning Certificate shall be required for wind energy conversion systems in residential and commercial districts.
- b) Submittals shall include a development plan, a line drawing identifying the electrical components of the system, detailed specifications for the wind turbine to be installed, a property entry agreement providing Montville Township access to the site in the event that decommissioning is required, evidence that the applicant has communicated with the public utility company regarding interconnection to the utility grid.
- c) Development Plan Requirements shall be drawn to scale and clearly detail the following:
  - i. Information about the proposed site, including all parcels, property lines, dimensions of the site, acreage, parcel number(s), current zoning district and use.
  - ii. Indicate the location and dimensions of existing structures on the site, noting which are human-occupied structures and on adjoining property not owned by the applicant within 100 feet of the property lines in all directions.
  - iii. Indicate the exact location and height of the proposed free-standing wind turbine, setbacks to all property lines on the site and to all human-occupied structures.
  - iv. Location of all above-ground utility lines, free-standing antennas, public and private streets, gas and oil storage and pumping facilities within the setback radius.
  - v. Indicate the property owner, mailing address, and physical address of the project.

- vi. Include the make, model, picture/diagram of the wind turbine showing the height to the hub and to the top of the blade when extended to the highest point, a cutaway view illustrating the foundation, manufacturer's specifications, and decibel level of the unit.
- vii. Photographs of the turbine location, taken from the property lines and the setback locations.

M. Outdoor Wood-Fired Hydronic Heaters. (Effective 10/28/10)

Preamble

Uncontrolled wood-burning devices including Outdoor Wood-Fired Hydronic Heaters emit particulate matter, carbon monoxide and other pollutants known to be detrimental to the health of the public; exposure to these pollutants can cause adverse short-term health effects such as eye, nose, throat, and lung irritation, coughing, as well as shortness of breath. Long term exposure to these pollutants can cause asthma, heart and lung disease as well as cancer. The Montville Township Trustees will subject Outdoor Wood-Fired Hydronic Heaters to reasonable conditions that will protect the health, safety and general welfare of the residents and not deprive neighboring residents of the reasonable enjoyment of their property or premises.

The following resources were used to establish the regulations for outdoor wood-fired Hydronic heaters:

*Outdoor Wood Furnaces, Hearth, Patio & Barbecue Association*, [www.hpba.org](http://www.hpba.org);  
*Outdoor Wood Furnaces, Central Boiler*, [www.centralboiler.com](http://www.centralboiler.com); *Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-115-Outdoor Wood-Fired Boilers*; Ohio Administrative Code (OAC) 745-19, *Open Burning Standards*; *Ohio EPA Draft Rules to Regulate Outdoor Wood-Fired Boilers*, Ohio Environmental Protection Agency, <http://www.epa.state.oh.us/dapc/regs/regs.html>; *Wood-Fired Boiler Rules*, Ohio Environmental Protection Agency, Division of Air Pollution Control; *Outdoor Wood Furnaces Ordinance*, City of Orville, Wayne County, Ohio; *Draft Alternative Energy Source Code*, City of Green, Summit County, Ohio; *Outdoor Wood Burning Stoves/Boilers*, presentation by Bonetta Guyette, R.S., Environmental Sanitarian II, Akron Regional Air Quality Management District, [www.ci.akron,oh.us/health04.divisions.htm](http://www.ci.akron,oh.us/health04.divisions.htm); *The Air You Breathe*, Volume 22, Issue 3, Akron Regional Air Quality Management District; *Outdoor Wood Burning Boilers, Is there reason for concern*, Bonetta Guyette R.S., Environmental Sanitarian II, Akron Regional Air Quality Management District; *Health Effects of Wood Smoke*, Washington State Department of Ecology; *Cleaner Burning Wood Stoves and Fireplaces, Basic Information*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/basic.html>; *Cleaner Burning Wood Stoves and Fireplaces, More Efficient, Cleaner Burning Fireplaces*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/fireplaces.html>; *Cleaner Burning Wood Stoves and Fireplaces, Health Effects of*

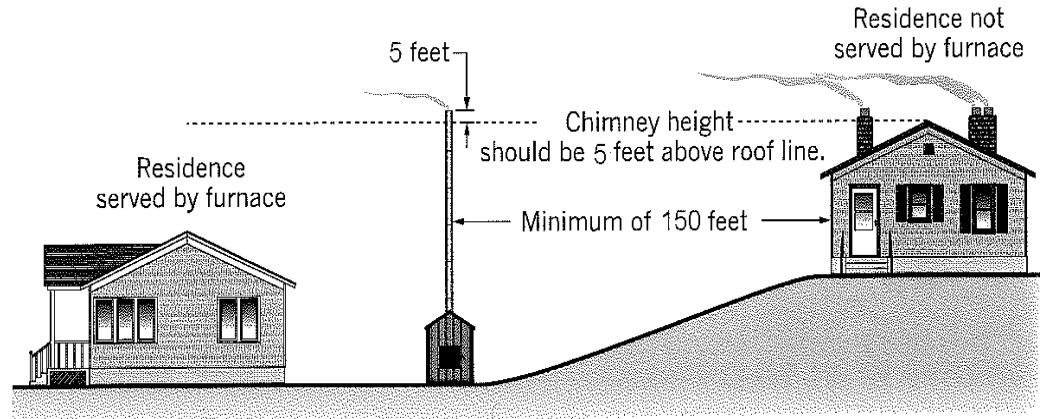
*Wood Smoke*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/healtheffects.html>; *Cleaner Burning Wood Stoves and Fireplaces, For Air Quality Program Officials*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/programs.html>; *Cleaner Burning Wood Stoves and Fireplaces, Technical Information*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/technical.html>.

1. Outdoor Wood-fired Hydronic Heaters (OWHH) are considered an accessory use in all Zoning Districts and require a zoning certificate. An OWHH shall not be counted as an accessory building in residential districts.
2. The OWHHs shall only service the principal building(s) and/or accessory building(s) upon the lot the unit is located.
3. OWHHs shall be installed in the rear yard only.
4. No person shall, from the effective date of this Section, construct, establish or install a new Outdoor Wood-fired Hydronic Heater that is not an EPA OWHH Phase II program qualified model (or as may be amended by the EPA).
5. No Person shall, from the effective date of this Section operate or maintain an OWHH unless such operation conforms with the manufacturer's instructions regarding such installation, operation/maintenance and the requirements of this Section.
6. The use of any building, structure, or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Chapter 590, Nonconforming Uses, Buildings, Lots and Structures.
7. All materials used as fuel in an OWHH shall be in conformance with the manufacturer's instructions or the requirements of this Section. In the event of a conflict, the requirements of this Section shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply
8. The chimney height of a new or existing OWHH shall conform to the manufacturer's instructions or the requirements of this Section. In the event of a conflict, the requirements of this Section shall apply unless the manufacturer's recommendations are stricter, in which case the manufacturer's instructions shall apply.
9. The Township Zoning Inspector or designee may periodically inspect any Outdoor Wood-fired Hydronic Heater to assure that said OWHH is in compliance with the provisions of this Section at all times. The owner of

any new OWHH shall produce the manufacturer's owners manual or installation instructions to the Township Zoning Inspector or his/her designee for review at any time, if requested.

10. All new OWHHs shall meet safety standards including UL, CAN/CSA, ANSI or other applicable safety standards.
11. OWHHs must comply with Medina County Building Department regulations (building, mechanical, electrical and heating) and Ohio EPA Air Pollution Control Division regulations, as well as any applicable State and Federal regulations.
12. Outdoor Wood-fired Hydronic Heaters shall be constructed, established, installed, operated and maintained pursuant to the following conditions:
  - a) Fuel burned in any OWHH shall be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer.
  - b) The following fuels are specifically prohibited in any OWHH:
    - i. Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
    - ii. Rubbish or garbage including but not limited to food wastes, food packaging or food wraps.
    - iii. Any plastic materials including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
    - iv. Rubber, including tires or other synthetic rubber-like products.
    - v. Newspaper (other than used in small quantities to start an initial fire in the burn chamber), cardboard, or any paper with ink dye products.
    - vi. Any other items not specifically allowed by the manufacturer or this Section.
  - c) Setbacks for any new Outdoor Wood-fired Hydronic Heater that are EPA OWHH Phase II Program qualified:
    - i. The OWHH must comply with accessory building setback and height requirements in the District it is proposed to be erected and shall be located a minimum of fifteen (15) feet from any structure.

- ii. The OWHH shall be located on the property in compliance with the manufacturer’s recommendations and/or testing and listing requirements for clearance to combustible materials.
- iii. The Outdoor Wood-fired Hydronic Heater shall be located a minimum of 150 feet from any residence, including an attached garage, that is not served by the OWHH.



Picture Source: [Hearth, Patio and Barbecue Association \(HPBA\)](#)

- d) Chimney heights for any OWHH shall be as follows:
  - i. The chimney of any Outdoor Wood-fired Hydronic Heater shall extend at least five (5) feet above the peak of any residence not served by the OWHH located within 150 feet of such Outdoor Wood-fired Hydronic Heater. See also Section 330.2 C.
- e) Outdoor Furnaces that use corn, wood pellets or other palletized biomass shall meet the same setback and chimney height requirements as EPA Program qualified models or shall meet the setback and chimney height requirements of this Section, whichever is more restrictive.

**Sec. 410.9 REGULATIONS FOR HOME OCCUPATIONS.** (Revised 07/23/09)

The purpose of this Section is to set forth regulations that control the establishment and operation of home occupations. The intent is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted so that their existence is not detectable in any manner from the outside of the dwelling unit.

- A. The home occupation, including the storage of equipment, supplies or any apparatus related to the use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.

- B. Such use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes.
- C. Such use shall be conducted only by persons residing in the dwelling unit.
- D. The use shall not involve more than 33 % of the floor area of only one story of the dwelling unit.
- E. There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation.
- F. No equipment or process shall be permitted or used in such home occupation that creates a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes, or which is found unsafe by the County Board of Health. No equipment or process shall be used that creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.
- G. No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.

**Sec. 410.10 FAMILY DAY CARE HOME, TYPE “B”.**

This Zoning Resolution recognizes that the availability of safe and affordable, good-quality child day care is important to the well being of parents and children. Furthermore, it is the purpose of this Section to regulate the operation of child day care in a manner that preserves the residential character of neighborhoods, according to ORC 5104.054. (Effective June 22, 2006)

**Sec. 410.11 ADULT FAMILY HOMES AND FAMILY HOMES FOR HANDICAPPED PERSONS.**

In compliance with ORC §3722.03 and ORC §5123.19 respectively, adult family homes and family homes for handicapped persons shall be permitted by right in any residential district provided each such home complies with the following regulations.

- A. The persons residing in an adult family home or family home for handicapped persons shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term “permanent residence” means:
  - 1. The resident intends to live at the dwelling on a continuing basis; and
  - 2. The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.
- B. There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the adult family home. (Effective June 22, 2006)

- C. The facility and its staff shall be in full compliance with all applicable Federal, State and local laws and regulations, including facility licensure to begin and continue operation. Evidence of applications to State and Federal authorities shall be furnished with the zoning permit application (Effective June 22, 2006). Failure to maintain such license, certification and any other approval requirements shall constitute a violation of this Zoning Resolution.
- D. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the family home for handicapped persons and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.

**Sec. 410.12 REGULATIONS FOR MODEL HOMES.**

A dwelling unit within an approved residential subdivision, Planned Residential Development (PRD) or Planned Neighborhood Development (PND) may be utilized as a model home to promote the sales of homes within the subdivision, PRD or PND until the subdivision, PRD or PND is 90% complete as defined herein. (Effective June 22, 2006)

- A. The purpose of the model home is to provide a public showroom indicating the style/type of homes to be constructed within the specific residential subdivision, PRD or PND and to that end, may have within display maps, pictures, brochures, sample building materials, and information. Only one model home of each style/type shall be allowed per builder. (Effective June 22, 2006)
- B. A sales office may be located within the model home.
- C. No sales trailers shall be allowed on site.
- D. Once the subdivision, PRD or PND is 90% complete, use of the dwelling unit as a model shall cease and the dwelling shall be listed for sale within 90 days. The subdivision, PRD or PND shall be considered 90% complete, when 90% of the approved units in the subdivision, PRD or PND have been sold. (Effective June 22, 2006)