

CLARIDON TOWNSHIP ZONING REGULATIONS

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ARTICLE 1 GENERAL PROVISIONS

100.00 TITLE

A. This resolution shall be known as “the Zoning Resolution of Claridon Township, Geauga County, Ohio” and may be hereinafter referred to as “this resolution”.

101.00 JURISDICTION

A. This resolution shall apply to all of the unincorporated territory of Claridon Township, Geauga County, Ohio.

102.00 PURPOSE OF RESOLUTION

A. Pursuant to O.R.C. Section 519.02, except as otherwise provided in this section, in the interest of the public health and safety, the board of township trustees may regulate by resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township. Except as otherwise provided in O. R.C. Section 519.02, in the interest of the public convenience, comfort, prosperity, or general welfare, the board by resolution, in accordance with a comprehensive plan, may regulate the location of, setback lines for, and the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and may establish reasonable landscaping standards and architectural standards excluding exterior building materials in the unincorporated territory of the township. Except as otherwise provided in O.R.C. Section 519.02, in the interest of the public convenience, comfort, prosperity, or general welfare, the board may regulate by resolution, in accordance with a comprehensive plan, for nonresidential property only, the height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, sizes of yards, courts, and other open spaces, and the density of population in the unincorporated territory of the township. For all of these purposes, the board has divided all of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board has determined. All such regulations shall be uniform for each class or kind of building or other structure or use throughout the district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

B. Additional purposes of this resolution are:

- 1.** To divide the township into zoning districts and to provide uniform regulations for each class or kind of buildings, structures, and uses within such zoning districts.
- 2.** To regulate the location, height, bulk, number of stories, and size of buildings and other structures and the percentage of lot coverage by buildings, structures, and impervious surfaces.
- 3.** To regulate building setback lines (yards) and other open spaces.
- 4.** To regulate the density of population by establishing minimum lot size, frontage, and width requirements in each zoning district.

5. To regulate the use of buildings and structures in each zoning district and to ensure that appropriate utilities, sewage treatment and water supply facilities, and other matters related to public health and safety are adequately addressed to serve such uses.
6. To conserve and protect the natural resources of the township, including the supply of potable groundwater.
7. To ensure that development is in accordance with the capability and suitability of the land to support it.
8. To provide regulations that advance balanced and orderly growth and development in the township as well as preserve sensitive environmental resources in order to maintain the semi-rural character of the township
9. To promote and protect the public health, safety, morals, and general welfare.

103.00 PROVISIONS

- A. In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements.

104.00 POWERS NOT CONFERRED BY CHAPTER 519 OF THE O.R.C. OR THIS RESOLUTION.

- A. This resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located including buildings or structures that are used primarily for vinting and selling wine and that are located on land on which any part is used for viticulture. (No zoning certificate required). This resolution shall not regulate the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located in accordance with the O.R.C. Section 519.21 (B).

- B. This resolution does not apply in respect to 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 any public utility or railroad, for the operation of its business. As used in this resolution, “public utility” does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734 of the Ohio Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of the Ohio Revised Code. However, subject to O.R.C. Section 519.21(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, change, alteration, removal or enlargement of a wireless telecommunications tower and appurtenant facilities.

- C. This resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted by this resolution.

D. This resolution does not prohibit in a district zoned for agricultural, residential, restricted industrial or commercial uses, the use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

E. This resolution does not apply with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901, 4903, 4905, 4909, 4921, and 4923 of the O.R.C.

F. Pursuant to O.R.C. Section 5502.031, this resolution does not preclude amateur radio service communications and does not restrict the height or location of amateur station antenna structures in such a way as to prevent effective amateur radio service communications and shall comply with 47 C.F.R. 97.15.

G. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes. As used herein, “biodiesel,” “biomass energy,” and “electric or heat energy” have the same meanings as in Section 5713.30 of the Ohio Revised Code.

H. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten (17,060,710) British thermal units, five (5) megawatts, or both. As used in this section, “biologically derived methane gas” has the same meaning as in Section 5713.30 of the Ohio Revised Code.

I. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for agritourism. As used herein, “agritourism” has the same meaning as in Section 901.80 of the Ohio Revised Code.

J. Pursuant to O.R.C. Section 4906.13, this resolution shall not apply to the construction or operation of a “major utility facility” as defined in O.R.C. Section 4906.01 or to an “economically significant wind farm” as defined in O.R.C. Section 4906.13 and authorized by a certificate issued pursuant to Chapter 4906 of the O.R.C. A “major utility facility” includes a “large wind farm” and a “large solar facility.” A “large wind farm” and a “large solar facility” shall have the same meanings as in O.R.C. Section 4906.01.

105.00 SCHEDULE OF FEES, CHARGES AND EXPENSES; COLLECTION PROCEDURE.

A. The Board of Township Trustees shall, by resolution, establish a schedule of fees, charges and expenses and a collection procedure for zoning certificates, amendments, appeals, conditional zoning certificates, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, Township Fiscal Officer, and Town Hall and may be altered or amended only by resolution of the Board of Township Trustees.

B. Each application for a zoning certificate, amendment or conditional zoning certificate and Notice of Appeal shall be accompanied by the fee so established.

C. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

106.00 FIRST DAY EXCLUDED AND LAST DAY INCLUDED IN COMPUTING TIME: EXCEPTIONS: LEGAL HOLIDAY DEFINED:

A. The time within which an act is required by law to be done shall be computed by excluding the first day and including the last day; except that when the last day falls on a Saturday, Sunday or a legal holiday, then the act may be done on the next succeeding day which is not a Saturday, Sunday or a legal holiday.

B. When a public office in which an act, required by law, is to be performed is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Saturday, Sunday or a legal holiday as defined in the O.R.C. Section 1.14.

C. "Legal holiday" as used in this section means the days set forth in the O.R.C. Section 1.14. If any day designated in the O.R.C. Section 1.14 as a legal holiday falls on Sunday, the next succeeding day is a legal holiday.

107.00 COMPUTATION OF TIME

A. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of the month.

108.00 SPECIFIC PROVISION PREVAILS OVER GENERAL; EXCEPTION

A. If a general provision conflicts with a specific provision they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the specific provision prevails as an exception to the general provision, unless the general provision is the later adoption, and the manifest intent is that the general provision prevails.

109.00 IRRECONCILABLE AMENDMENTS

A. If amendments are enacted at the same or different times, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include

language inserted an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

110.00 CONTINUATION OF PRIOR AMENDMENT

A. A provision or regulation which is re-enacted or amended is intended to be a continuation of the prior provision or regulation and not a new enactment, so far as it is the same as the prior provision or regulation.

111.00 EFFECT OF AMENDMENT

A. The amendment of the resolution does not:

1. Affect the prior operation of the resolution or any prior action taken thereunder;
2. Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
3. Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;
4. Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the resolution had not been amended.

112.00 ANNEXED TERRITORY

A. Upon annexation of township territory to an existing municipal corporation, the zoning regulations then in effect shall remain in full force and shall be enforced by the township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such territory.

113.00 SEVERABILITY

A. If any provisions or regulations of this resolution or an amendment thereof or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions, regulations, applications or amendments of this resolution which can be given effect without the invalid provision, regulations, applications or amendment; and to this end the provisions, regulations and amendments are severable.

ARTICLE 2 DEFINITIONS

200.00 INTERPRETATION OF TERMS OR WORDS

- A. For the purpose of this resolution, the following rules of interpretation for the terms and words shall apply:
- B. The word "person" includes an individual, association, organization, partnership, trust, company, corporation or any other legal entity.
- C. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular, unless the context clearly indicates the contrary.
- D. The word "shall" is a mandatory requirement.
- E. The word "may" is a permissive requirement.
- F. The word "should" is a preferred requirement.
- G. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.
- H. For words and terms undefined herein, the latest edition of "Webster's New World Dictionary" may be consulted.

201.00 WORDS AND TERMS DEFINED:

- A. The words and terms used in this resolution shall be defined as follows:

Accessory building, structure or use means a subordinate use of a building, other structures or lot or a subordinate building or structure, whose use is clearly incidental to the use of the principal building, other structures or use of a lot, and which is customary in connection with the principal building, other structures or use of a lot, and which is located on the same lot with the principal building, other structures or use.

Agriculture as defined in Section 519.01 of the O.R.C.

Agritourism as defined in O.R.C. Section 901.80(A)(2), means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

Amateur radio service means the amateur service, the amateur satellite service, and the amateur civil emergency service as provided under 47 C.F.R. part 97.

Amateur station means a station in an amateur radio service consisting of the apparatus necessary for carrying on radio communications.

Antenna means any system of wires, poles, rods, discs, dishes, or similar devices used for the transmission or reception of electromagnetic waves attached to the exterior of a building

or mounted in the ground independent (freestanding) of a building on a tower or other structure.

Applicant means the person or authorized legal entity filing an application under this resolution.

Automotive and vehicle repair means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive wrecking means the dismantling or wrecking of motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Average finished grade level means the average of the grade of the ground at all exterior corners of the foundation of a building or other structure.

Basement means a portion of a building or structure with at least one-half of its floor to ceiling height below the adjoining exterior finished grade level and with its ceiling not covered by earth. Said portion is not a completed building or structure and shall only serve as a substructure or foundation for a building or structure.

Bed and Breakfast means a residence containing living and sleeping accommodations for transient occupancy.

Board of zoning appeals means the five (5) member board appointed by the board of township trustees in accordance with O.R.C. Section 519.13.

Building means a temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for support, enclosure, shelter, or protection of persons, animals, chattels or property.

Building, detached means a building surrounded on all sides by open space and separated from other buildings on a lot.

Building, enclosed means a building that is fully enclosed by a permanent roof, external walls, a foundation and a floor.

Building, principal means a building within which the main or primary permitted use is conducted on a lot.

Building or structure height means the vertical distance measured from the average finished grade level to the highest point of the building or structure.

Building line means a line indicating the actual location of the perimeter of the building. (See Setback Line).

Cemetery means land used for interment of human remains including any one or a combination of more than one of the following: a burial ground containing plots designated for earth interments or inurnments, a mausoleum for crypt entombments, or a columbarium for the deposit of cremated remains.

Channel means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Child day-care center means any place in which child care or publicly funded child care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time and as defined in O.R.C. Section 5104.01(L). In counting children for the purposes of this definition, any children under six (6) years of age who are related to the licensee, administrator, or employee and who are on the premises of the center shall be counted.

Church means a building used for public worship and may include temples, cathedrals, synagogues, mosques, chapels, and congregations.

Clinic means any building or other structure devoted to the diagnosis, treatment and outpatient care of human ailments by licensed physicians and medical staff.

Club means a building or premises owned or operated by exclusive use of members and guests for a social, political, literary, educational or recreational purpose.

Collocation means locating wireless telecommunications antennas and appurtenant equipment from more than one provider on a single wireless telecommunications tower site.

Commercial motor vehicle means any motor vehicle designed and used for carrying merchandise or freight, or used as a combination tractor-trailer or commercial tractor by drawing other vehicles whether independently or by carrying a portion of such other vehicle or its load, or both.

Commercial parking garage means any building

1. for the storage of motor vehicles and/or recreational vehicles
2. containing space rented to the general public for the storage of motor vehicles and/or recreational vehicles

Commercial parking lot means any lot

1. for the storage of motor vehicles and/or recreational vehicles
2. containing space rented to the general public for the storage of motor vehicles and/or recreational vehicles

Commission means the Zoning Commission of Claridon Township.

Conditional Use means a specific use listed in this resolution within a zoning district, other than a permitted use, and classified as a conditional use requiring approval by the Township Board of Zoning Appeals subject to the conditions set forth in this resolution and the issuance of a conditional zoning certificate.

Conditional Zoning Certificate means a certificate issued by the Zoning Inspector upon approval of the Township Board of Zoning Appeals for a conditional use.

County means Geauga County, Ohio.

Cul-de-sac means a street or road, one end of which connects with another street or road, and the other end of which terminates in a permanent vehicular turnaround.

Deck means a structure consisting of wood, concrete, vinyl, or other composite materials with or without a roof that is attached to a building or is freestanding and is supported by posts.

Density means a unit of measurement representing the number of buildings, structures or dwelling units per acre of land.

Detention basin means a permanent stormwater management facility for the temporary storage of runoff which is designed to attenuate flow.

District means a portion of the township shown on the zoning map within which zoning regulations apply as specified in this resolution.

Drive-thru facility means any portion of a building from which business is transacted directly with customers located in a vehicle during such transactions.

Driveway means a private way providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space.

Dry hydrant means a standpipe connected by means of a pipeline to a water source that permits the withdrawal of water by drafting through the use of firefighting equipment.

Dwelling means any fully enclosed building (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling shall include an industrialized unit and a manufactured home as defined herein. A dwelling shall have one (1) dwelling unit only.

Dwelling, single family means a building consisting of one detached dwelling unit to be occupied by one family only.

Dwelling unit means space within a building comprising living and/or dining and sleeping rooms; and space for cooking, bathing and toilet facilities; all of which are used by only one family for residential occupancy.

Dwelling unit, accessory means a space attached to, but separate from, the primary dwelling unit, comprising living and/or dining and sleeping rooms; and space for cooking, bathing and toilet facilities; all of which are used by only one family for residential occupancy, and subject to the regulations contained in this resolution.

Earth or soil disturbing activity means clearing, grading, excavating, filling, dumping, grubbing, stripping or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

Earth sheltered dwelling means a completed building or structure, containing a dwelling unit, designed to be built underground and not intended as the foundation, substructure or basement for a subsequent dwelling.

Easement means the right of a person, governmental entity, public utility, or other firm to use public or private land owned by another for a specific purpose as established by an instrument of record in the county recorder's office.

Electric vehicle means any vehicle that operates either partially or wholly on electrical energy from an off-board source that is stored on-board for motive purposes.

Electric vehicle supply equipment (EVSE) means a unit that supplies electric energy for charging an electric vehicle. Such equipment is classified according to output voltage and the rate at which it can recharge a battery as established by the Society of Automotive Engineers (SAE).

Electric vehicle supply equipment space or station means a space within an off-street parking area, a parking garage or other designated charging area with electric vehicle supply equipment for the purpose of charging electric vehicles.

Erosion means the process by which the land surface is worn away by the action of wind, water, ice, gravity or any combination thereof.

Exterior display or sales area means an open area on a lot used to purvey goods, merchandise or services sold within the principal building on the same lot. Such goods or merchandise shall be available for direct sale and shall not be within shipping cartons or crates.

Exterior storage area means an open area on a lot used for parking or storage of equipment, materials, machinery or vehicles in connection with the principal building, structure, or use on the same lot for a period of twenty• four (24) hours or more.

Family means one (1) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority, association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses.

Farm market means the use of any land or building where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. (See O.R.C. Section 519.21).

Fence means an artificially constructed structure consisting of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as a boundary or means of protection to enclose, screen or separate areas on a lot. A "fence" shall not include hedges, shrubs, trees or other natural growth or vegetation.

Finished grade level means the elevation of the finished grade of the ground abutting or immediately adjacent to the corners of the exterior foundation of a building or structure.

Fire Protection Pond means a pond constructed on a lot in accordance with Article 4 of this resolution.

Floor area means the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. **Floor area shall not include:**

1. Basement space.
2. Elevator and stair bulkheads.
3. Attic space.
4. Terraces, breezeways and open porches.
5. Uncovered steps.
6. Garages.
7. Crawl space.

Freestanding solar panel means a solar panel or an array of solar panels, not attached to a building, mounted to a structure attached to the ground.

Frontage means the horizontal distance measured between the side lot lines of a lot, measured along the front lot line.

Full cut-off fixture means a lighting fixture which allows no light to be emitted above a horizontal plane drawn through the lowest part of the fixture.

Garage, private means an accessory building, either attached to a principal building or detached, to be used for the storage of motor vehicles and other personal property owned by the occupants of the principal building on a lot.

Gazebo means a typically octagonal structure open on the sides with a roof.

Glare means the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Glare, direct means the glare resulting from the human eye being able to see the light-emitting portion of a light fixture.

Government Agency means an agency of the United States, the State of Ohio, or any political subdivision thereof, including those of the county or township.

Hazardous waste means substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which cannot be handled by routine waste management techniques.

Home occupation means an accessory use within a dwelling or an accessory building in a residential districts where allowed, that shall meet the regulations to maintain the residential character of the neighborhood while providing opportunities for home-based businesses for remuneration and which otherwise complies with the provisions of this resolution. A zoning certificate is required.

Hospital means a building containing beds for inpatient care and devoted to the medical diagnosis, surgical, obstetrical, psychiatric, or rehabilitation treatment and care of human ailments by a medical staff for a continuous basis longer than twenty-four hours. A licensed physician and medical staff must be present in the hospital twenty-four (24) hours a day.

Hospital, veterinary means a building containing accommodations for the diagnosis and treatment of animals by licensed veterinarians and staff.

Hotel or Motel means a building in which lodging, or boarding are provided and offered to the public for compensation.

Impervious cover means any paved, hardened, or structural surface regardless of its composition including, but not limited to, buildings, structures, roads, driveways, walkways, parking lots, loading/unloading spaces, decks, patios, and swimming pools.

Impervious surface means any materials or surfaces which prevent percolation of storm water into the ground including, but not limited to, roofing, concrete, asphalt, wood, metal, plastic, compacted soil, and aggregates.

Industrialized Unit means a building as defined in O.R.C. Section 3781.06(C)(3).

Infectious waste means such waste as defined in O.A.C. Section 3745-27-01(I)(6).

Junk vehicle means any vehicle that meets all of the following criteria. It is (1) three years old or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

Junk means old or scrap ferrous or nonferrous materials, including, but not limited to old or scrap building materials, copper, brass, rope, rags, trash, waste, batteries, paper, rubber, dismantled or wrecked vehicles or parts thereof, iron, and steel.

Junk Yard means any land, property, structure, building or combination of the same, on which junk or junk vehicles are stored, processed, or bought or sold.

Kennel means any building, structure or land where dogs or other domesticated pets are boarded, cared for, bred or kept for remuneration.

Lake means a water impoundment made by constructing a dam or an embankment or by excavating a pit or dug out; having a surface area of five (5) or more acres.

Landscaping means the exterior installation of living plant material including trees, shrubs, grass, flowers, and other natural vegetative cover; and, may include decorative and other accessory features such as retaining walls, walkways, mounds, fences, benches, lighting, sculptures, reflective pools, fireplaces and fountains.

Lattice tower means a framework or structure of cross metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed.

Licensed residential facility means a facility as defined in O.R.C. Sections 5119.34(B)(1)(b) and 5123.19(a)(5)(a).

Light trespass means the light emitted by an exterior lighting fixture which falls outside of the boundaries of the affected lot on which it is located.

Loading/unloading space means space provided for pickups and deliveries for commercial and restricted industrial uses.

Lot Means a parcel of land which shall be a lot of record.

Lot. corner means a lot located at the intersection of two (2) or more roads.

Lot. coverage means the percentage of the total lot area that is occupied by the total horizontal area of all buildings, structures, impervious cover, impervious surfaces and parking areas on a lot.

Lot. measurements a lot shall be measured as follows:

1. **Depth** means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. **Width** means the shortest distance that occurs between the side lot lines measured continuously anywhere between the front lot line and the front setback line.

Lot, minimum area means the total area, expressed in acres, included within the boundary lines of a lot computed from the center line of the right-of-way of any abutting public or private road, unless otherwise provided in a recorded legal description or plat of record.

Lot, multiple frontage means a lot, other than a corner lot, with lot lines on more than one (1) road. A multiple frontage lot may also be referred to as a through lot.

Lot line means the boundary of a lot which separates it from adjoining lots of record; public land; private land; common, public or private open space; and public or private roads.

Lot line, front or frontage means the boundary line of a lot which abuts the right-of-way line of a public or private road. In the case of a corner lot or multiple frontage lot, all lot boundaries abutting a road right-of-way shall be classified as front lot lines or frontage.

Lot line, rear means that boundary line of a lot which is parallel or within forty-five (45) degrees of being parallel to the front lot line and is opposite the front lot line. If the rear lot line forms a point, then the rear lot line shall be a line ten (10) feet in length within the lot, drawn parallel to and the maximum distance from the front lot line.

Lot line, side means any boundary line of a lot which is not a front lot line nor is a rear lot line.

Lot of record means a parcel of land shown as a separate unit on the last preceding tax roll of the county, and either as a separate lot on a subdivision plat recorded in the office of the County Recorder or as a lot described by metes and bounds in a legal description on a deed or instrument of conveyance, the description of which has been so recorded.

Manufactured home means a building unit or assembly of closed construction as defined in O.R.C. Section 4781.01(C).

Medical Marijuana means marijuana, as defined in O.R.C. Section 3796.01 (A)(1), that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose per O.R.C. Section 3796.01 (A)(2).

Minerals means substances or materials extracted from natural deposits on or in earth.

Mobile home means a building unit or assembly of closed construction as defined in the O.R.C. Section 4501.01(O), and which is designed to be used as a dwelling with or without a permanent foundation. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined in this resolution. A building or nonself-propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

Mobile home park means a lot where two (2) or more mobile homes are located.

Monopole means a structure composed of a single spire used to support communications equipment.

Nonconforming building or structure means a building or structure which was lawfully in existence at the effective date of this resolution or amendment thereto that does not conform to the area, square footage, yard, height, or other applicable regulations for the zoning district in which it is located.

Nonconforming use means the use of a building, structure or lot, which was lawfully in existence at the effective date of this resolution or amendment thereto and which does not conform to the use regulations for the zoning district in which it is located.

Nursing Home means a home as defined in the O.R.C. Section 3721.01(A) used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal assistance but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.

Off-street loading space means any loading space located outside of the road right-of-way.

Open space means a totally unobstructed area on a lot that does not have any permanent or temporary buildings, structures, driveways impervious cover, impervious surfaces or parking lots.

O.A.C. means the Ohio Administrative Code.

O.R.C. or R.C. means Ohio Revised Code.

Organized Camp Facility Organized Camp Facilities utilize the resources of the natural surroundings to contribute significantly to the mental, physical, social and spiritual growth of the participants, and encompasses a minimum of the following five elements: out-of-doors, recreation, group living, educational and social interaction, under the supervision of trained leadership in an organized setting.

Outdoor Wood Fired Boiler (OWB) means any equipment, device, appliance, or apparatus or any part thereof which is installed and situated outside of the envelope of the building to be heated for the primary purpose of combustion to produce heat energy or energy used as a component of a heating system providing heat for any interior space or water source. An OWB may also be referred to as an outdoor wood fired furnace, an outdoor wood fired hydronic heater, or a hydronic heater. An OWB shall be a United States Environmental

Protection Agency (US EPA) Outdoor Wood Fired Hydronic Heater Phase 2 Program qualified model that is in compliance with the Phase 2 emission level and has a proper qualifying label and hangtag or any subsequent US EPA qualified model that is in compliance with the most current US EPA emission level.

Parking lot means an off-street space designed for parking of vehicles including driveways and aisles.

Parking space means an off-street space designed for parking of vehicles in association with a specific use.

Party or event center means a building designed and used as temporary rental space for private parties including weddings, graduations and banquets and for other events including meetings, training and seminars.

Patio means a structure with a surface area consisting of concrete, pavers, or stone with or without walls or a roof that is attached, or is immediately adjacent, to a building.

Pavilion means a structure with no more than two (2) enclosed sides and a roof used for recreation or shelter.

Permanent foundation means the permanent masonry, concrete, block or other footing material to which a building or structure is affixed that is in conformity with applicable building codes.

Personal wireless services means commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services.

Personal wireless service facility means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by the United States Code.

Pervious surface means any exterior surface comprised of a material or combination of materials that permit precipitation and melt water to eventually infiltrate into the affected soil on a lot.

Place of worship see church.

Playground means an exterior recreation facility which may include court and field games, play apparatus, recreation fixtures, and accessory structures and uses including off-street parking, fences, lighting fixtures, restrooms and signage.

Pond means a water impoundment made by constructing a dam or an embankment or by excavating a pit or dug out; and having a surface area of less than five (5) acres.

Porch means an area adjoining a building entrance with a roof and no more than three (3) enclosed sides.

PPN means the permanent parcel number assigned by the county auditor.

Private road or street means a recorded easement as defined in the Geauga County Subdivision Regulations held by a private owner or established legal entity for private use as

a road right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

Produce includes, but is not limited to, fresh fruit and vegetables, eggs, grains, herbs, honey, maple syrup and milk.

Professional office means space within a building devoted to licensed professional services including but not limited to medical, dental, legal, architectural, engineering, surveying, real estate, and accounting.

Public road or street means a road right-of-way for public use as defined in O.R.C. section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

Public utility means any company or other legally existing entity which hold a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which delivers a good or service to the public and which has been determined to be a public utility by the zoning inspector or the board of zoning appeals based upon the following factors relative to (A) public service and (B) public concern. A “public utility” does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility, that has been issued a permit under Chapter 3734. of the Ohio Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714. of the Ohio Revised Code.

A. Public Service

1. Is there the devotion of an essential good or service to the general public, which has a right to demand or receive the good or service?
2. Must the company provide its good or service to the public indiscriminately and reasonably?
3. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?
4. Are there any applicable statutory or regulatory requirements that the service be accepted?
5. Is there a right of the public to demand and receive the service?

B. Public Concern

1. Is there concern for the indiscriminate treatment of those people who need and pay for the good or service? (For example, are prices fairly set?)
2. Is there a mechanism for controlling price? (For example, does marketplace competition force providers to stay fairly priced?)
3. Is there public regulation or oversight of rates and charges?

Quarry means any land from which rock, stone, gravel, sand, earth or mineral is removed, or excavated for the purpose of disposition away from the immediate premises. However, this shall not include excavation necessary for the actual foundation of any building or structure for which a zoning certificate has been issued.

Recreational vehicle means a vehicular portable structure designed and constructed to be used as a temporary dwelling and includes travel trailers, motor homes and truck campers as defined in the O.R.C. Section 4501.01

Residential Care Facility means a home, also known as an assisted living facility, as defined in Ohio Revised Code Section 3721.01(A)(7) that provides either of the following: (a) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical and mental impairment; or (b) Accommodations for three (3) or more unrelated individuals, supervision and personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one (1) of those individuals, any of the skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code.

Restaurant means a retail service establishment wherein the business activity consists of the sale of food and drink for consumption within the building or in a designated outdoor dining area adjacent thereto, and may also include carry-out and drive-in service.

Retention basin means a permanent stormwater management facility that provides for the storage of stormwater runoff while maintaining a permanent pool of water. Such basins are designed to delay and attenuate flow and may have the ability to remove pollutants.

Right-of-way means all land included within an area dedicated to public use as a road or street, or land reserved as an easement for private use as a road or street, for ingress and egress.

Road see "Street" in this section.

Roof mounted solar panel means a solar panel or an array of solar panels attached to the roof of a principal or an accessory building.

Safety Center means facilities containing law enforcement, fire, ambulance, emergency medical services and other emergency services. A safety center may also include a detention facility.

Satellite dish antenna means an accessory structure capable of receiving, for the sole benefit of the principal use it serves, radio or television signals from a transmitter or a transmitter relay located orbitally. This definition may include direct broadcast systems and television reception only systems.

School means any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction.

Seat means the actual seating capacity of an area based upon the number of seating units provided for one (1) seat per eighteen (18) linear inches of bench length or space of loose chairs.

Sediment control means limiting soil sediment transport by controlling erosion through filtering or detaining sediment laden water allowing the sediment to settle.

Self-service storage facility means a building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-service storage of personal property and as defined in O.R.C. Section 5322.01(A).

Service Station means buildings and premises where fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, electric powered vehicles may be recharged, vehicle repair services are performed and food and beverage items are sold at retail.

Setback line means a line parallel to and measured from a lot line which, together with the lot line, encloses the area in which no building or structure shall be located, except as otherwise provided in this resolution. See also: Yard, front, side, and rear.

Sewage system, on-site means a septic tank or similar installation on an individual lot which provides for the treatment of sewage and disposal of the effluent, subject to the approval of the health and sanitation agencies or departments having jurisdiction.

Sewers, central means a sewage disposal system which provides a collection network and central treatment facility for more than one dwelling or building, community or region subject to the approval of health and sanitation officials having jurisdiction.

Shed, utility means a structure for storage of tools, equipment and personal property

Sheltered Workshop means a facility for occupational training of the physically or mentally handicapped.

Sign means any structure or part of a building or surface or any device or part thereof which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcements, directions, or advertisement.

Site see lot

Stealth facility means any communications facility which is designed to blend in with the surrounding environment. Such facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the surface of any floor and the ceiling next above it. A basement shall be deemed to be a story only when more than one-half of its height is located above the finished grade level of the adjacent ground.

Street means a public or private road as defined in this resolution.

Structure means anything constructed or erected that requires location on the ground or is attached to something having location on the ground.

Structural alteration means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Surface mining means all or any part of the process followed in the extraction of minerals from the earth or from the surface of the land by surface excavation methods such as: open pit mining, dredging, placering or quarrying and includes the removal of overburden for the purpose of determining the location, quantity or quality of mineral deposits. Surface mining does not include test or exploration boring nor mining operations carried out beneath the surface of the earth by means of shafts, tunnels or similar mine operations.

Swimming pool means a permanent non-portable open tank or other structure comprised of water designed to contain a depth of at least three (3) feet of water at any point for the purpose of wading or swimming.

Technically suitable means the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the township.

Telecommunications means technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term personal wireless services.

Telecommunications tower means any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in the O.R.C. Section 519.211(B) and this resolution.

Temporary signs means a sign intended to draw attention to a particular event or occurrence including but not limited to elections, sales and festivals.

Through lot means a lot, other than a corner lot, with lot lines on more than one (1) road and is also referred to as a multiple frontage lot.

Tower means a structure that is mounted in the ground or affixed to a building or other structure that is used for transmitting or receiving television, radio, telephone or other communications.

Township means Claridon Township, Geauga County, Ohio.

Trustees means the Board of Trustees of the Township.

Type B family day-care home and Type B home means a permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two (2) years of age at one time and as defined in O.R.C. Section 5104.01(VV). In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider who are on

the premises of the Type B home shall be counted. “Type B family day-care home and Type B home” do not include any child day camp as defined in O.R.C. Section 5104.01(J).

Use means an activity permitted within the zoning district in which a lot is located as specified in this resolution.

Vehicle means everything which is or has been on wheels, runners or tracks.

Vehicle repair means the repair, rebuilding, and reconditioning of vehicles, or farm implements including collision service, painting, and steam cleaning of vehicles.

Vehicle sales means the sale, lease or rental of new or used vehicles or farm implements.

Walkway means a pedestrian sidewalk or trail composed of bricks, stone, pavers, concrete, or wood chips.

Waste water treatment plant means a public or private facility at the terminus of a central sanitary sewer collection system which processes the influent waste and discharges water that has been treated in accordance with the standards of the health and sanitation officials having jurisdiction.

Water, central means a system having one (1) or more wells or other sources of water supply joined together by pipelines so as to form a water distribution system for more than one dwelling or building, community, or region subject to the approval of health and sanitation officials having jurisdiction.

Wind system device or wind turbine means a device that converts wind energy into a usable form and includes a rotor with blades or airfoil and drive train; and all equipment necessary for machine operation mounted to a building or wind turbine tower.

Wind turbine tower means a monopole that may be freestanding or attached to a building that supports a wind turbine.

Wireless telecommunications antenna means an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding an antenna for an amateur radio operator.

Wireless telecommunications equipment shelter means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Yard means an open space on a lot unoccupied and unobstructed by any building or structure or part thereof, except as otherwise provided by this resolution.

Yard, front means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of a building or structure.

Yard, rear means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of a building or structure.

Yard, side means a yard extending from a building or structure to the side lot line on both sides of a building or structure between the lines establishing the front and rear yards.

Yard, garage, barn or estate sale means a temporary private sale of personal property that is open to the public conducted on the lot of the person conducting the sale.

Zoning certificate means a permit issued by the township Zoning Inspector in accordance with the regulations specified in this resolution.

Zoning commission means the five (5) member panel appointed by the board of township trustees in accordance with O.R.C. Section 519.04.

Zoning Inspector means the official appointed by the board of township trustees to enforce the adopted zoning resolution in accordance with O.R.C. Section 519.16.

Zoning map means the currently adopted official map of the township which shows the boundaries of the zoning districts established in this resolution.

ARTICLE 3 ZONING DISTRICTS

300.00 CLARIDON TOWNSHIP IS HEREBY DIVIDED INTO ZONING DISTRICTS, WHICH SHALL BE DESIGNATED AS FOLLOWS:

- A. R-1** Residential Single Family
- B. C** General Commercial
- C. I** Restricted Industrial
- D. Inst** Institutional
- E. OCF** Organized Camp Facility

301.00 DESCRIPTION AND BOUNDARIES OF ZONING DISTRICTS

A. The following describes each zoning district listed in Section 300.00 of this resolution.

1.R-1- Residential Single Family District - All areas of the Township not designated otherwise are zoned **R-1- Residential**.

2. C - General Commercial District - For the accommodation of commercial enterprise to satisfy the needs of the community.

(1) The Commercial District at the northwest corner of Aquilla Road and U.S. Rt. 322 is the area between Aquilla Road and the Munson Township line and between the centerline of U.S. Rt. 322 and the lot line dividing lots 12 and 13.

(2) The Commercial District at the southwest corner of Aquilla Road and U.S. Rt. 322 is the area south of U.S. Rt. 322 from Aquilla Road and west, up to and including the property of DeNigris & Son, as recorded in Book 670, pages 1050-1051 in the County Recorder's office. This line extends 500 feet south of the centerline of U.S. Rt. 322.

(3) The Commercial District located south of U.S. Rt. 322 and east of Aquilla Road extends east to the point where the centerline of Spencer Road intersects the centerline of U.S. Rt. 322 and extends to a depth of 500 feet south of the centerline of U.S. Rt. 322.

3. The Commercial District located situated in the Township of Claridon, County of Geauga, State of Ohio, being part of Original Lot No. 13, Holmes Tract, within said township and further described as follows:

Beginning in the original centerline of Mayfield Road (U.S. Rt. 322), at its intersection with the current centerline of Spencer Road; Thence west, along the centerline of Mayfield Road, a distance of approximately 400.00 feet, to the southwest corner of land conveyed to Debora M. McDivitt by deed recorded in Vol. 1832, Pg. 663 (P.P. No. 13-015300) of the Geauga County Records of Deeds; Thence northerly, along the west line of said P.P. No. 13-015300, a distance of 336.12 feet, to the centerline of Spencer Road; Thence southeasterly and southerly, along the centerline of Spencer Road, a distance of approximately 350.00 feet, to the place of beginning.

4. The Commercial District located at the southeast corner of Taylor-Wells Road and U.S. Rt. 322 situated in the Township of Claridon, County of Geauga, State of Ohio, being part of Original Lot Nos. 14 and 15, Holmes Tract, within said township and further described as follows: Beginning in

the centerline of Mayfield Road (U.S. Rt. 322), at its intersection with the centerline of Taylor Wells Road, running south from said Mayfield Road; Thence east, along the centerline of Mayfield Road, a distance of approximately 830.00 feet, to the northeast corner of land conveyed to Nancy Stephenson by deed recorded in Vol. 1802, Pg. 2266 (P.P. No. 12-035000) of the Geauga County Records of Deeds; Thence south, along the east line of said P.P. No. 12-035000, and along the east line of land conveyed to Dennis and Dianne Kellogg by deed recorded in Vol. 1148, Pg. 635, (P.P. No. 12-034900), of the Geauga County Records of Deeds, a distance of 624.00 feet to the southeast corner thereof; Thence westerly, along the south line of said P.P. No. 12-034900, a distance of 724.00 feet to the centerline of Taylor Wells Road; Thence northerly, along the centerline of Taylor Wells Road a distance of approximately 760.00 feet to the place of beginning.

5. The Commercial District at the southwest corner at Taylor-Wells Road and U.S. Rt. 322 situated in the Township of Claridon, County of Geauga, State of Ohio, being part of Original Lot Nos. 14 and 15, Holmes Tract, within said township and further described as follows: Beginning in the centerline of Mayfield Road (U.S. Rt. 322), at its intersection with the centerline of Taylor Wells Road, running south from said Mayfield Road; Thence southerly, along the centerline of Taylor Wells Road, a distance of 571.00 feet, to the southeast corner of land conveyed to Jennifer L. Barham and Kenneth D. Freeman by deed recorded in Vol. 1594, Pg. 749 (P.P. No. 12-060400) of the Geauga County Records of Deeds; Thence west, along the south line of said P.P. No. 12-060400, (said south line also being the north margin of Breezy Acres Drive,) and along the south line of land conveyed to Jennifer Franklin by deed recorded in Vol. 1797, Pg. 3080 (P.P. No. 12-024800) of the Geauga County Records of Deeds, and with the north margin of Breezy Acres Drive, a distance of 500.00 feet to a point; Thence northerly, along a line passing thru P.P. No. 12-024800, a distance of approximately 680.00 feet to a point in the centerline of Mayfield Road, located 500.00 feet west along said centerline from the aforementioned intersection with Taylor Wells Road; Thence east, along the centerline of Mayfield Road, a distance of 500.00 feet, to the place of beginning.

6. The Commercial District located at the northeast corner of Taylor-Wells Road and U.S. Rt. 322 situated in the Township of Claridon, County of Geauga, and State of Ohio and known as being part of Lot No. 14, Holmes Tract, and further being known as an area over part of parcel 1 of lands conveyed to McCaskey Properties LLC. (PPN 12-090319) by deed recorded in Volume 1967, Page 1877 of Geauga County Deed Records, and also being an area over all of a parcel 2 of lands conveyed to McCaskey Properties LLC. (PPN 12-090245) by deed recorded in Volume 1967, Page 1877, of Geauga County Deed Records, further bounded and described as follows; Beginning at a point at the intersection of the centerlines of Mayfield Road (U.S. Rt. 322), 60 feet wide, and Taylor Wells Road, 60 feet wide, said point also being at the Southwesterly corner of parcel No. 2 of lands so conveyed to McCaskey Properties LLC. (PPN 12-090245) Thence Northeast, along said centerline of Taylor Wells Road, a distance of 490.82 feet to a point at the Southwesterly corner of lands conveyed to Marc T. and Nicole A. Adams (PPN 12-090310) by deed recorded in Volume 2092, Page 1515 of Geauga County Deed Records; Thence Southeast, along the Southerly line of land so conveyed to Marc T. and Nicole A. Adams (PPN 12-090310), and along the Easterly prolongation thereof, a distance of 730.47 feet to a point at interior corner of land conveyed to Steve P. and Stephanie W. Stamos (PPN 12-018600) by deed recorded in Volume 2048, Page 108 of Geauga County Deed Records. Thence Southwest, along a Westerly line of land so conveyed to Steve P. and Stephanie W. Stamos (PPN12-018600), a distance of 481.58 feet to a point in the centerline of said Mayfield Road; Thence Northwest along said centerline of Mayfield Road, a distance of 326.02 feet to an angle

point; Thence Northwest continuing along said centerline of Mayfield Road, a distance of 565.51 feet to the Principal Place of Beginning.

7. The Commercial District on the northwest corner of Taylor-Wells Road and U.S. Rt. 322 situated in the Township of Claridon, County of Geauga, State of Ohio, being part of Original Lot No. 14, Holmes Tract, within said township and further described as follows: Beginning in the centerline of Mayfield Road (U.S. Rt. 322), at its intersection with the centerline of Taylor Wells Road, running north from said Mayfield Road; Thence West, along the centerline of Mayfield Road, a distance of approximately 515.00 feet, to the southwest corner of land conveyed to Rayburn Enterprises Inc. by deed recorded in Vol. 1016, Pg. 649 (P.P. No. 12-090242) of the Geauga County Records of Deeds; Thence northerly, along the west line of said P.P. No. 12-090242, a distance of 427.90 feet, to the northwest corner thereof; Thence east, along the north line of said P.P. No. 12-090242 and along a second parcel of land conveyed to Rayburn Enterprises Inc. by deed recorded in Vol. 1008, Pg. 585 (P.P. No. 12-090240) of the Geauga County Records of Deeds, a distance of 531.8 feet, to the centerline of Taylor Wells Road; Thence southerly, along the centerline of Taylor Wells Road, a distance of 522.14 feet, to the place of beginning.

8. The Commercial District on the northwest corner of U.S. Rt. 322 and Claridon-Troy Road extends 1000 feet from the centerline of Claridon-Troy Road along U.S. Rt. 322 to the west and for a distance of 500 feet to the north of the centerline of U.S. Rt. 322.

9. The Commercial District on the southwest corner of Claridon-Troy Road and U.S. Rt. 322 situated in the Township of Claridon, County of Geauga, State of Ohio, being part of Original Lot No. 3, Section No. 7, East Survey, within said township and further described as follows: Beginning in the centerline of Mayfield Road (U.S. Rt. 322), at its intersection with the centerline of Claridon Troy Road; Thence south, along the centerline of Claridon Troy Road, a distance of approximately 506.00 feet, to the southeast corner of land conveyed to Phylis and Orrin R. Valentine, Trustees, by deed recorded in Vol. 1502, Pg. 1209 (P.P. No. 12-074100) of the Geauga County Records of Deeds; Thence west, along the south line of said P.P. No. 12-074100, and along the south line of land conveyed to Kenneth and Iona Kronk by deed recorded in Vol. 1291, Pg. 986, (P.P. No. 12-038100), of the Geauga County Records of Deeds, and along a south line of land conveyed to Mark E. Baughnar by deed recorded in Vol. 1807, Pg. 2772 (P.P. No. 12-077900) of the Geauga County Records of Deeds, a distance of approximately 412.00 to an angle point; Thence westerly, passing thru P.P. No. 12-077900, a distance of approximately 396.00 feet, to the southeast corner of land conveyed to Della Gupton by deed recorded in Vol. 891, Pg. 115 (P.P. No. 12-046000) of the Geauga County Records of Deeds; Thence continuing westerly, along the south line of P. P. No. 12-046000 and along the south line of land conveyed to Thomas M. Lane Jr. by deed recorded in Vol. 984, Pg. 851 (P.P. No. 12-072700) of the Geauga County Record of Deeds, to a point 1000.00 feet from the centerline of Claridon Troy Road;

10. The Commercial District on the southeast corner of U.S. Rt. 322 and Claridon-Troy Road extends south approximately 325 feet from the centerline of U.S. Rt. 322 to the property line of L. and A. Brockway, Vol. 732, page 1255, and east along said property line approximately 206 feet from the centerline of Claridon-Troy Road to the property line of L. and S. Logsdon, Vol. 757, page 959, then north along that property line to the centerline of U.S. Rt. 322.

11. The 0.936 acres on the northwest corner of U.S. Rt. 322 and State Route 608 are zoned Commercial, as presently described in Volume 576, page 415, owned by D. E. Ishee, in the Geauga County Recorder's office.

12. The Commercial District at the southwest corner of U.S. Rt. 322 and State Route 608 situated in the Township of Claridon, County of Geauga, State of Ohio, being part of Original Lot No. 3, Section No. 8, Original Lot No. 3, Section No. 9, Original Lot No. 1, Section No. 11 and Original Lot No. 1, Section No. 10, all in the East Survey, within said township and further described as follows: Beginning in the centerline of Mayfield Road (U.S. Route 322), at its intersection with the westerly margin of Old State Road (S.R. 608); Thence southeasterly, along the westerly margin of Old State Road Road, a distance of approximately 845.00 feet, to the southeast corner of land conveyed to Winifred S. Palansky by deed recorded in Vol. 1802, Pg. 3262 (P.P. No. 12-090235) of the Geauga County Records of Deeds; Thence westerly, along the southerly line of said P.P. No. 12-090235, a distance of approximately 225.00 to an angle point; Thence southerly, along the easterly line of said P.P. No. 12-090235, a distance of approximately 71.00 feet, to an angle point; Thence westerly, along a south line of said P.P. No. 12-090235, and along the south line of a second parcel of land conveyed to said Palansky by deed recorded in Vol. 1802, Pg. 3262 (P.P. No. 12-090234) of the Geauga County Records of Deeds, a distance of approximately 527.00 feet, to the southwest corner of said P.P. No. 12-090234; Thence north, along the west line of said P.P. No. 12-090234 and along the west line of land conveyed to William C. and Jayne E. Fitch by deed recorded in Vol. 1328, Pg. 974 (P.P. No. 12-023660) of the Geauga County Records of Deeds, a distance of approximately 825.00 feet, to the centerline of Mayfield Road; Thence easterly, along the centerline of Mayfield Road, a distance of approximately 475.00 feet, to the place of beginning.

13. The Commercial District on the southeast corner of State Route 608 and U.S. Rt. 322 extends east along U.S. Rt. 322 to the eastern boundary line of property owned by Disien and Kirby, Vol. 582, pg. 180 and from there the line runs south to said property line then west to the northeast corner of the property owned by R. V./A. E. Holt, then south to the southern-most boundary line of the property owned by R. V./A. E. Holt, Vol. 848, pg. 45, and follows that lot line west to the centerline of State Route 608.

14. The Commercial District on the northeast corner of State Route 608 and U.S. Rt. 322 situated in the Township of Claridon, County of Geauga, State of Ohio, being part of Original Lot Nos. 2 and 3, Section No. 9, East Survey, within said township and further described as follows: Beginning in the centerline of Mayfield Road (U.S. Route 322), at its intersection with the easterly margin of Old State Road (S.R. 608); Thence northwesterly, along the easterly margin of Old State Road, a distance of approximately 162.00 feet, to a northwest corner of land conveyed to Ronald C. and Susan L. Woodie by deed recorded in Vol. 781, Pg. 110 (P.P. No. 12-019360) of the Geauga County Records of Deeds; Thence easterly, along a northerly line of said P.P. No. 12-019360, a distance of 165.00 feet, to an angle point; Thence northerly, along a westerly line of said P.P. No. 12-019360, a distance of approximately 190.00 feet, to the northwest corner thereof; Thence easterly, along the northerly line of said P.P. No. 12-019360, a distance of 83.00 feet, to a point in the westerly line of land conveyed to The First Methodist Church of East Claridon by deed recorded in Vol. 356, Pg. 514 (P.P. No. 12-703900) of the Geauga County Records of Deeds; Thence northerly, along a westerly line of said P.P. No. 12-703900, a distance of 222.00 feet to the northwest corner thereof; Thence easterly, along the northerly line of said P.P. No. 12-703900 and along the northerly line of two parcels of land conveyed to Claridon Properties LLC by deed recorded in Vol. 1789, Pg. 1084 (being P.P. Nos. 12-704000 and 12-095196) of the Geauga County Records of Deeds, a distance of 793.6 feet, to a point in the westerly line of land conveyed to Jean A Bruner by deed recorded in Vol. 1493, Pg. 204 (P.P. No. 12-027300) of the Geauga County Records of Deeds; Thence northerly, along the westerly line of said P.P. No. 12-027300, a distance of approximately 1270 feet, to the northwest corner

thereof; Thence easterly, along the northerly line of said P.P. No. 12-027300, a distance of approximately 523 feet, to the northeast corner thereof; Thence southerly, along the easterly line of said P.P. No. 12-027300 and along the easterly line of two parcels of land conveyed to The Home Telephone Co. by deed recorded in Vol. 661, Pg. 765 (P.P. Nos. 12-031200 and 12-600100) of the Geauga County Records of Deeds, a distance of Approximately 1778.00 feet, to the centerline of Mayfield Road; Thence Westerly, along the centerline of Mayfield Road, a distance of approximately 1526.00 feet, to the place of beginning.

15. The Commercial District on the northwest corner of U.S. Rt. 322 and Kile Road runs west along U.S. Rt. 322 from the centerline of Kile Road to the eastern lot line of property owned by D/D. Farinacci III, Vol. 801, pg. 485, and runs north of the centerline of U.S. Rt. 322 for a depth of 500 feet.

16. I - Restricted Industrial District - An area to provide for limited and rigidly controlled industrial development.

(1) The Restricted Industrial District runs along U.S. Rt. 322 west from the eastern lot line of the property owned by D/D. Farinacci III, Vol. 801, pg. 485, to the eastern lot line of the property owned by P. Hans, Vol. 657, pg. 897. At that point, it runs north along that property line to the southern-most property line owned by E. M. Motil, Vol. 828, pg. 1138. The northern Restricted Industrial District line runs east to the point where it intersects the eastern property line of D./D. Farinacci III, Vol. 801, pg. 485.

17. Inst. - Institutional District - A district to provide for controlled development by governmental agencies.

(1) The Institutional District starts at a point 1087 feet North along the centerline of Aquilla Road from the Burton Township line to the Pleasant Hills Golf Course property line, Vol. 454, pg. 954, then East 1237 feet to the property owned by the Geauga County Commissioners, Vol. 52, pg. 299, then South 1087 feet to the Burton Township line then East 1575 feet to the land owned by the Jewish Community Center, Vol. 443, pg. 578, then North approximately 1125 feet to the East Branch of the Cuyahoga River; then following the river north approximately 1800 feet to the property line of D. & D. Gambatese, Vol. 824, pg. 1103, then West 1125 feet to land owned by the Geauga County Commissioners, Vol. 32, pg. 119, then running North 750 feet to the property owned by D. & D. Gambatese, Vol. 824, pg. 1103, then West 1200 feet to the centerline of Aquilla Road then South 100 feet to the southeast corner of property owned by the Geauga Hospital Association, Vol. 443, pg. 90; then 1800 feet West to the Northwest corner of land owned by the Geauga County Commissioners, P.B. Vol. 20, pg. 80; then 36 feet south to Northeast corner of land owned by University Hospitals, Vol. 469, pg. 955; then 897 feet West to Munson Township Line; then South 2500 feet to land owned by Pleasant Hills Golf Course, Vol. 454, pg. 954, then 2550 feet East to the centerline of Aquilla Road.

(2) Exceptions to this district are two parcels on Aquilla Road. One parcel is owned by T. & N. K. Michel, as described in Vol. 623, pg. 1196. The other parcel is owned by W. & B. Moon and is described in Vol. 531, pg. 322 and Vol. 551, pg. 510 and Vol. 551, pg. 508.

18. OCF - Organized Camp Facilities - The Organized Camp District consists of contiguous properties situated in Claridon Township owned by the Jewish Community Center of Cleveland on November 11, 1997, commencing at a point on Taylor-Wells Road approximately 4256 feet

northwest from the Burton Township line and continues approximately 25 feet to the property line of A. Gingerich. The properties consist of parcel numbers 1, 2, 3 4, 5, 9, and 10 as recorded in volume 443 pages 578, 579, 581 and 582 of the Geauga County Records of Deeds.

B. The area enclosed by a district boundary line shall be the district designated therein as designated on the official zoning map.

C. In the event there is uncertainty as to the precise location of a boundary line of any of the districts provided in this resolution, as shown upon the zoning map and as set forth in the descriptions herein, then the following rules for determination shall apply:

1. When a boundary line appears within a road, the boundary line shall be deemed to be the center line of the road.

2. Where a boundary line appears to follow a recorded lot line, such a lot line shall be deemed to be the boundary line.

3. In the cases of parks, cemeteries and navigable waters, the boundary line shall be deemed to coincide with the boundary line of the park, cemetery or the channel of the navigable water.

4. Where a road, water course or other right-of-way has been vacated, the abutting zoning classification on each side thereof shall automatically be extended to the center line of said vacated road, water course or right-of-way.

302.00 OFFICIAL ZONING MAP

A. The boundaries of the zoning districts listed in section 300.00 and described in section 301.00 in this resolution are shown on the official township zoning map which is hereby incorporated as a part of this resolution.

B. In the event of discrepancies between the zoning map and the legal description of each zoning district as provided in section 301.00, the legal description of the zoning district shall be controlling.

C. The official township zoning map shall be identified by the signatures of the township trustees and attested to by the Township Fiscal Officer together with the date of its adoption and the effective date.

303.00 LOCATION OF OFFICIAL ZONING MAP

A. The official township zoning map shall be located in the office of the Township Fiscal Officer, who shall be responsible for its custody and safe-keeping and shall not be removed therefrom except by township officials for the purpose of conducting township business. A copy of the most current version of the township zoning map is contained in Section 305.00.

304.00 AMENDMENTS TO THE OFFICIAL ZONING MAP

A. No amendments shall be made to the official township zoning map except in conformity with the procedure set forth in Article 11 of this resolution.

B. All amendments to the official township map shall be made by adopting a new official township zoning map which shall be identified by the signatures of the township trustees and attested to by the Township Fiscal Officer together with the date of its adoption and its effective date. Said map

shall be located with the original township zoning map and all other amended zoning maps in the manner provided in Section 303.00.

305.00 COPY OF OFFICIAL TOWNSHIP ZONING MAP

A. A copy of the official township zoning map as signed and dated by the Township Trustees and Township Fiscal Officer is shown on the following page.

ARTICLE 4

DISTRICT REGULATIONS

400.00 GENERAL

- A.** The uses set forth as principal uses in each zoning district shall be permitted by right as the principal building, structure or use of a lot.
- B.** The uses set forth as accessory uses in each zoning district shall be permitted by right as building, structures or uses which are subordinate and incidental to principal buildings, structures and uses.
- C.** The uses set forth as conditional uses in each zoning district shall not be permitted by right. Such buildings, structures, and uses may be permitted only under specific conditions and in accordance with the provisions of Article 7.
- D.** All off-street parking shall be in accordance with Article 5 of this resolution.
- E.** All signs shall be in accordance with Article 6 of this resolution.

400.01 LIMITATIONS

- A.** Buildings, structures and land shall be used, and buildings and structures shall be designed, erected, altered, moved or maintained in whole or in part in all districts only for the uses set forth in the following schedules and regulations of this resolution and only those uses as prescribed in each section shall be permitted in the respective district provided such uses do not emit or create any danger to health and safety on the affected lot and in the surrounding area, and do not create any offensive, hazardous or noxious noise, vibration, smoke, dust, heat, glare, flame, air pollutants or other objectionable influences.

400.02 PROHIBITED USES IN ALL ZONING DISTRICTS:

- A.** Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefore, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article 11 or a variance has been granted in accordance with Article 9.
- B.** Exterior lighting fixtures and devices which are arranged to reflect lights or from which direct glare is visible on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.
- C.** Mobile homes on individual lots located outside of mobile home parks shall be prohibited.
- D.** The storage of any junk vehicles, whether licensed or unlicensed, outside of a fully enclosed building shall be prohibited.
- E.** Junk yards and the storage of junk or burial of junk shall be prohibited.
- F.** Automotive wrecking shall be prohibited.
- G.** The storage, incineration or burial of hazardous waste shall be prohibited.
- H.** Landfills, open dumping, solid waste facilities, solid waste transfer facilities, construction and demolition debris facilities, ad scrap tire collection facilities as defined in O.R.C. Chapter 3734 shall be prohibited.

- I. The storage, incineration or burial of infectious waste as defined in O.A.C. 3745-27-01(I)(6) and O.R.C. Section 3734.01(R) shall be prohibited.
- J. Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21.
- K. Hazardous waste as defined in O.A.C. 3745-51-03 and O.R.C. Section 3734.01(J) storage, incineration, or burial shall be prohibited unless it is a part of a hazardous waste facility pursuant to O.R.C. Section 3734.05(E).
- L. Any wholesale or retail sales of goods, products, merchandise or services from vehicles or within a public road right-of-way shall be prohibited.
- M. The use of vehicles, parts of vehicles, or anything manufactured for the purpose of transporting persons or property including semi-trailers, buses, mobile homes, recreational vehicles, mobile tool sheds, and railroad cars as a dwelling or as a unit or structure for storage shall be prohibited.
- N. Quarries or surface mining operations shall be prohibited.
- O. Commercial composting as defined in O.A.C. 3745-27-01(C)(2) and composting facilities as defined in O.A.C. 3745-27-1(C)(3) shall be prohibited.
- P. Except for bed and breakfast establishments, short-term rental of a dwelling, in whole or in part, involving transient occupancy for thirty (30) consecutive calendar days or less by persons other than the owner or the owner's family for which the owner receives monetary compensation pursuant to a rental or lease agreement shall be prohibited.

400.03 WATER MANAGEMENT AND SEDIMENT CONTROL REGULATIONS IN ALL DISTRICTS

The purpose of this regulation is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands and will promote and maintain the public health and safety. This regulation is intended to allow development while minimizing increases in downstream flooding, erosion, and sedimentation, and to reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

This regulation applies to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this zoning resolution, except as otherwise provided in this resolution. This regulation also applies to all soil disturbing activity incident to or in preparation for the construction of any building, structure, or use regardless of when such soil disturbing activity occurs. Soil disturbing activities include the process of clearing and grading the land.

For the purpose of this regulation, the terms used herein shall have the meaning as set forth in the most recently adopted version of the Geauga County Water Management and Sediment Control (WMSC) Regulations. Said terms are a part of these regulations as though fully rewritten herein.

A. Requirements and Application Procedures

1. A Water Management and Sediment Control (WMSC) Plan or abbreviated WMSC Plan with a letter from the Geauga Soil and Water Conservation District (SWCD) indicating either compliance with or exemption from the most recent adopted version of the Geauga County WMSC Regulations shall be submitted to the Zoning Inspector for the

construction of all principal permitted, accessory, and conditional buildings, structures, uses, and off-street parking, loading/unloading areas allowed by this resolution, any additions or alterations thereto, and any soil disturbing activity incident or in preparation thereto if either of the following conditions apply:

- a. Any amount of land disturbance planned on a subplot within a platted and recorded subdivision; or
 - b. If one (1) acre or more of land will be disturbed on a parcel or on contiguous parcels under the same ownership of record.
2. An abbreviated WMSC Plan will also be required for any principal permitted, accessory, and conditional buildings, structures, uses, and off-street parking, loading/unloading areas allowed by this resolution, any additions, or alterations thereto, and any soil disturbing activity incident or in preparation thereto disturbing three hundred (300) square feet or more and less than one (1) acre. This plan shall follow the requirements and recommendations of an abbreviated WMSC Plan submittal as indicated in the most recent adopted version of the Geauga County WMSC Regulations. The zoning inspector may require a letter from the Geauga SWCD indicating either compliance with or exemption from the most recent adopted version of the Geauga County WMSC Regulations for an abbreviated WMSC Plan.
3. A disapproved Plan shall receive a narrative report from the Geauga SWCD stating specific problems and procedures for filing a revised Plan to ensure compliance with the Geauga County WMSC Regulations. At the time the Zoning Inspector receives a revised Plan, another thirty (30) day review period shall begin.
4. Any soil disturbing activity shall not begin and a zoning certificate or a conditional zoning certificate shall not be issued without a WMSC Plan or Abbreviated WMSC Plan approved by the Geauga SWCD.
5. Any addition or alteration to the site design as shown on the approved WMSC Plan or Abbreviated WMSC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the Zoning Inspector may consult with the Geauga SWCD.
6. Failure to comply with the conditions of an approved WMSC or Abbreviated WMSC Plan shall be a violation of this regulation.

401.00 RESIDENTIAL- R-1

401.01 PRINCIPAL BUILDINGS, STRUCTURES AND USE

- A. There shall be no more than one principal building, structure or use on a lot.

401.02 PERMITTED PRINCIPAL BUILDINGS, STRUCTURES AND USES

- A. Cemeteries
- B. Churches
- C. Governmental Offices and township buildings, structures, and uses, including buildings, structures, and uses of a political subdivision of the state of Ohio
- D. Police and Fire stations
- E. Public Parks owned or leased by a political subdivision of the state of Ohio
- F. Public or Private school
- G. Single family detached dwellings, including industrialized units and manufactured homes (other than mobile homes or trailers). There shall be no more than one single family detached dwelling on a lot. See Section 401.11 for manufactured homes.
- H. Licensed residential facilities in accordance with Section 401.12.

401.03 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. Permitted Accessory Buildings, structures and uses must be on the same lot with and incidental or subordinate to the principal permitted building, structure or use and not within the required yard area in accordance with Section 401.07. There shall be a minimum of twenty (20) feet between all buildings and structures. An accessory building, structure or use shall comply with all of the specific regulations set forth herein as well as all other applicable provisions of this resolution.

- 1. Farm markets (roadside), subject to the following regulations:

- a. Fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
 - b. Adequate and proper off-road parking must be provided in accordance with Article 5.

- 2. Off-street parking and loading/unloading spaces in accordance with Article 5.

- 3. Private garages subject to the following regulations:

- a. Private garages shall be designed and used for the storage personal property and noncommercial motor vehicles owned and/or operated by the occupants of the principal building or structure.

- 4. Radio, television or satellite dish antennas subject to the following regulations:

- a. Antennas shall comply with Sections 401.07 and 401.08 and shall not be located in front of the principal building on a lot.
 - b. No zoning certificate shall be required for a satellite dish antenna that is less than three (3) feet in diameter in any residential zone or less than six (6) feet in diameter in any commercial or restricted industrial zone.

c. Pursuant to O.R.C. Sections 519.214 and 5502.031, an antenna for amateur radio service communications shall be permitted and shall be setback a minimum distance equal to 1.1 times its total height measure from all lot lines. An antenna for amateur radio service communications shall not be located in a front yard or in front of a principal building on a lot.

5. Signs in accordance with Article 6..

6. Detached storage buildings subject to the following regulations:

a. Storage buildings shall be completely enclosed.

b. Storage buildings shall be designed and used for the storage of non-commercial tools and equipment, and other personal property owned by the occupants of the principal building or dwelling.

7. Swimming pools, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred and fifteen (115) square feet, and all appurtenances thereto including cabanas, a bath house, and an equipment building shall be in accordance with the following regulations:

a. A swimming pool shall be used solely for the enjoyment of the occupants of the principal use, or their guests, of the property on which it is located.

b. A swimming pool shall not be located in a required yard or in front of a principal building on a lot.

c. An in-ground swimming pool or an above-ground swimming pool less than four (4) feet in height shall be completely enclosed by a security fence at least four feet (4) in height with a gate that is self-closing and self-latching.

d. The minimum distance of twenty (20) feet between buildings and structures in Section 401.03(A) shall not apply to an above-ground swimming pool.

8. Recreational vehicles subject to the following regulations:

a. One recreational vehicle may be parked in any side or rear yard on occupied property in any district and shall comply with Section 401.07.

b. A recreational vehicle shall not be used for residence purposes.

c. A recreational vehicle shall not be permitted in a required front yard or in front of the principal building on a lot.

d. No zoning certificate is required.

9. Porches, decks, patios, ramps, and steps with or without a roof.

10. Gazebos and pavilions.

11. Exterior barbeque facilities, kitchens and fireplaces shall not be located in front of a principal building on a lot.

12. Breezeways subject to the following regulations:

- a.** Breezeways shall include a roof and supporting structural components either wholly or partially enclosed on a permanent foundation
- b.** Breezeways shall consist of a permanent passageway connecting a principal building to an accessory building or from an accessory building to another accessory building on a lot.
- c.** Breezeways shall not connect two or more dwellings on a lot.

13. Outdoor wood fired boilers (OWB) subject to the following regulations:

- a.** An OWB shall not be located in front of the principal building on a lot.
- b.** The fuel for and OWB shall be natural seasoned hardwood, wood pellets, shelled corn products, biomass pellets, or such other fuels listed as specifically permitted in the manufacturer's instructions.
- c.** An OWB shall comply with all applicable county building codes, fire codes, and other relevant codes including UL and ANSI.

14. Ponds or lakes subject to the following regulations:

- a.** Location: Ponds or lakes constructed on a lot shall be a minimum of one hundred (100) feet from road, right-of-ways and a minimum of fifty (50) feet from septic system lines and leach beds. Ponds or lakes shall not be in a required yard and shall comply with Section 401.07. Excess fill areas shall be placed away from drainage area. Borrow areas shall be drained and revegetated.
- b.** Construction specifications of ponds and lakes may be as recommended by Geauga Soil and Water Conservation District.

15. Home Occupations: A home occupation shall meet the following regulations to maintain the residential character of the neighborhood while providing opportunities for home-based businesses and which otherwise complies with the provisions of this resolution, a zoning certificate is required.

a. Regulations for Home Occupations

- (1)** A home occupation may be established only within a dwelling unit or fully enclosed accessory building. Only one (1) home occupation may be established on a lot.
- (2)** The dwelling, accessory building, and use conforms with all applicable regulations governing the district in which it is located.
- (3)** Permitted uses for Class I home occupations shall be limited to the following:
 - (i)** Office of accountants, architects, attorneys, bookkeepers, computer services, dentists, engineers, insurance agents, optometrists, physicians, realtors, surveyors, veterinarians, ministers, rabbis, and clergymen, draftsmen, graphic artists, interior designers, secretarial services, and photographers.

(ii) Office of salesman or manufacturer's representative; provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises.

(iii) Author, Artist, and Sculptor

(iv) Dressmaker, seamstress, tailor, and milliner

(v) Music/dance teacher, tutoring, or similar instruction; provided that no more than five pupils may be present at any one time

(vi) Swimming lessons or water safety instruction; provided that a maximum of six pupils may be present at any one time

(vii) Home crafts and décor.

(viii) Repair shop for small electrical appliances, cameras, watches, jewelry or other small items provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed.

(ix) Food preparation including cake decorating, and catering provided that no on-premises consumption by customers is allowed, and provided that the business is in full compliance with all applicable regulations enforced by the Geauga County, Department of Public Health.

(x) Type B family day-care home or Type B home with a maximum of six (6) children at any one time as defined in Article 2.

(xi) Gunsmiths

(xii) House cleaning services

(xiii) Locksmiths

(xiv) Internet sales

(xv) Massage therapists holding a valid license issued by the State of Ohio

(xvi) Pet groomers

(xvii) Taxidermists

(4) The use of a dwelling for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five percent (25%) of the total useable floor area of a dwelling or an accessory building, not to exceed five hundred (500) square feet, shall be used in the conduct of a home occupation. Useable floor area of a dwelling or an accessory building shall be determined by measuring its interior dimensions, in accordance with Section 401.09.

(5) An accessory building containing a home occupation shall be completely detached from the dwelling on the same lot, shall be located entirely to the rear of the dwelling, and shall be set back a minimum of one hundred (100) feet from the front lot line and a minimum of fifty (50) feet from the side and rear lot lines.

(6) There shall be no change in the exterior appearance of a dwelling unit or accessory building or other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with Article 6. No products or merchandise related to the conduct of a home occupation shall be displayed or offered for sale outside of a dwelling or accessory building. Such products or merchandise shall be sold only from within that portion of the dwelling or accessory building designated for home occupation use. Exterior storage or display of any products, materials, equipment, machinery or other items in connection with the home occupation on a lot shall be prohibited. A maximum of six (6) vehicles may be used or parked on the property in connection with a home occupation. The parking of any vehicles related to the home occupation shall either be within a fully enclosed building or exterior parking spaces shall be setback a minimum of one hundred (100) feet from the front lot line and a minimum of fifty (50) feet from the side and rear lot lines. Said vehicles shall not be parked in front of the dwelling on a lot. The exterior parking space area shall be fully screened on all sides adjacent to side and rear lot lines with an opaque fence or densely planted evergreen landscaping. Such fencing and landscaping shall not be less than six (6) feet in height upon installation.

(7) Adequate off-street parking shall be provided in accordance with Article 5. Parking spaces shall setback a minimum of one hundred (100) feet from the front lot line and a minimum of fifty (50) feet from the side and rear lot lines. There shall be no parking spaces located in front of the dwelling on a lot.

(8) The daily operation of a home occupation, including pick-ups and deliveries, shall be no earlier than 8:00 a.m. and no later than 5:00 p.m. This regulation shall not apply to permitted Type B family day-care or Type B homes.

(9) No more than two (2) persons, other than the occupants of the dwelling, may be employed or engaged in the home occupation.

(10) A home occupation shall be owned and operated by the owner of the property. A home occupation shall not be established on a lot with a vacant dwelling. The dwelling shall be occupied by the owner.

(11) Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities for a home occupation. A home occupation shall comply with all applicable federal, state, and county environmental permitting, licensing, and standards.

(12) No offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, toxic waste, run-off, or other objectionable effects shall be produced and no equipment or process shall be used which interferes with the residential occupancy of neighbors or the character of the neighborhood.

(13) A home occupation may be subject to inspection by the fire department to ensure compliance with applicable fire codes.

16. Electric Vehicle Supply Equipment (EVSE) spaces shall be subject to the following regulations:

- a.** An EVSE space shall be a minimum of ten (10) feet in width and twenty (20) feet in length.
- b.** An EVSE space shall be included in determining the minimum number of off-street parking spaces in accordance with Article 5.
- c.** An EVSE shall be designated by pavement identification and a permanent sign immediately adjacent thereto with a maximum sign face of four (4) square feet.
- d.** EVSE shall be protected by permanent concrete filled bollards four (4) feet in height or concrete curbing six (6) inches in height.
- e.** EVSE may be subject to inspection by the fire department to ensure compliance with applicable fire codes.

17. Accessory Dwelling Units (ADU) shall be subject to the following regulations:

- a.** Only one (1) ADU may be permitted on a lot.
- b.** An ADU shall be attached to the principal single family dwelling unit, or an existing accessory building as long as the accessory building is at least eight hundred (800) square feet, by a common wall with at least one point of internal ingress/egress between the dwelling units.
- c.** The common wall area for the ADU shall be a minimum of fifty percent (50%) of the principal dwelling unit wall to which it is attached.
- d.** Attachment of an ADU to a principal dwelling by an enclosed or unenclosed breezeway, hallway, porch, deck, patio, sidewalk or walkway shall not be permitted.
- e.** The maximum floor area of an ADU shall be eight hundred (800) square feet.
- f.** A separate attached garage to serve an ADU shall not be permitted.
- g.** The principal single family dwelling unit shall be occupied by the owner of the lot and all occupants of the ADU shall be members of the owner's family. "Family" shall mean one (1) or more persons related by blood, adoption, guardianship or marriage.
- h.** An ADU shall be in conformity with all of the other regulations for the affected zoning district that apply to a single family dwelling unit.

i. In order to ensure compliance with the provisions of this section, an application for a zoning certificate shall include an “Affidavit of Fact Deed Addendum” pursuant to O.R.C. Section 5301.252 in the requisite form available from the Zoning Inspector. The affidavit shall be recorded with the County Recorder, after it has been executed by the real property owner(s) and reviewed by the Zoning Inspector. A zoning certificate shall not be issued until a copy of the recorded affidavit has been provided to the Zoning Inspector.

401.04 CONDITIONAL USES IN RESIDENTIAL DISTRICT

A. Certain conditional uses within the R-1 District may be permitted upon application to the Board of Zoning Appeals for a conditional zoning certificate. A conditional zoning certificate may be issued upon the applicant's satisfying the various conditions set forth for the specific uses hereinafter set forth under each use and the provisions of Article 7.

B. While all decisions are made in a consistent and equitable manner, each conditional use application is evaluated on its own merits with regard to the conditions of this resolution and such other conditions determined by the Board of Zoning Appeals and may be denied.

C. Conditional Uses:

1. Temporary Mobile Homes may be used as a temporary dwelling during the construction or reconstruction of a permanent dwelling in any R-1, C, OCF or I Districts, providing that: only one (1) mobile home is located on the same lot as the permanent dwelling construction or reconstruction and occupied by the intended owner of the dwelling; that the use of such temporary mobile home will not, under any circumstances, extend beyond one (1) calendar year from the date of initial installation and shall be discontinued and the mobile home removed from the affected lot at the time of completion of construction or within one (1) calendar year, whichever is sooner; that acceptable water and sewage service facilities are provided, and that approval is granted by the Board of Zoning Appeals. All necessary permits for the dwelling to be constructed on the lot shall be obtained prior to the temporary mobile home being placed on the lot.

2. Class II Home Occupations:

a. Class II Home Occupations shall be limited to the following:

- (i)** Assembly, crafting, repair, sales, and service of items and products made of fabric, glass, leather, metal, plastic, vinyl, and wood.
- (ii)** Building trade contractors.
- (iii)** Craft and hobby shops.
- (iv)** Heating, ventilating, and air conditioning services.
- (v)** Landscaping, lawn care, and snowplowing services.

b. The conditions for Class II home occupations shall be in accordance with the regulations set forth in Section 401.03(A)(16).

401.05 MINIMUM LOT AREA R-1 DISTRICT

- A. The minimum lot area shall be three (3) acres.

401.06 MINIMUM LOT FRONTAGE AND WIDTH

- A. The minimum lot frontage and width shall be two hundred fifty (250) feet, except for lots located on a permanent cul-de-sac road turnaround.
- B. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot frontage shall be one-hundred (100) feet measured along its arc and the minimum lot width shall be two hundred fifty (250) feet measured along the front building set back line.

401.07 REQUIRED YARDS R-1 DISTRICT

- A. The minimum required yards for all buildings, structures, and uses, shall be as follows:
1. Front yard: 100 feet
 2. Each side yard: 20 feet
 3. Rear yard: 20 feet
- B. The minimum required side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be one hundred (100) feet.

401.08 MAXIMUM HEIGHT

- A. The maximum height requirement for buildings and structures shall be thirty-five (35) feet except as otherwise provided in this resolution.
- B. The maximum height of antennas, church spires, belfries, wind system devices or wind towers, chimneys, clock towers, flag poles, water towers, and transmission towers shall be no higher than the distance from its base to the nearest lot line.
- C. The maximum height of wireless telecommunications towers shall be in accordance with Article 12.

401.09 MINIMUM FLOOR AREA

- A. In calculating the minimum floor area of a single family detached dwelling, the following areas shall not be included: basements; crawl spaces; attics; attached garages; enclosed or unenclosed porches, patios, decks, and breezeways.
1. The minimum floor area for a single family detached dwelling shall be one thousand (1,000) square feet.
 2. The minimum floor area for a single family detached dwelling with more than one story must have a minimum of seven hundred fifty (750) square feet of floor area on the first floor and a total minimum floor area of one thousand (1,000) square feet.

401.10 PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS

- A. The following buildings, structures and uses shall be permitted in the minimum yards set forth in this resolution without a zoning certificate, unless otherwise indicated. Provided, however, unless otherwise set forth herein, a building, structure, or use shall be located a minimum of ten (10) feet

from all lot lines. No building, structure, or use shall block or impede clear sight distance of vehicle operators at the intersection of any public or private road.

1. Awnings or canopies over windows and doors, provided no signage is located thereon unless a zoning certificate is obtained.
2. Chimneys shall be setback a minimum of ten (10) feet from side and rear lot lines and shall not be located in any front yard or in front of the principal building on a lot.
3. Clotheslines and support poles shall be setback a minimum of ten (10) feet from side and rear lot lines and shall not be located in any front yard or in front of the principal building on a lot.
4. Driveways, in accordance with Article 5 this resolution, zoning certificate required.
5. Fences, gates and walls, zoning certificate required
 - (1) Fences, gates and walls shall be erected outside of the right-of-way of any public or private road.
 - (2) Fences, gates and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road right-of-way.
 - (3) Fences, gates and walls shall not be unsafe or be in danger of falling.
 - (4) Along lot lines the unfinished side of a fence and gate, including the structural supports and posts, shall face the property upon which the fence is constructed.
 - (5) Electrically charged fences and barbed wire fences shall be prohibited unless incidental to agricultural uses.
6. Flagpoles which shall not be taller than the distance from its base to the nearest lot line.
7. Mailboxes and newspaper tubes
8. Ornamental and security lighting fixtures which shall not be taller than the distance from its base to the nearest lot line.
9. Signs in accordance with Article 6, zoning certificate required.
10. Student bus shelters with a maximum floor area of eighty (80) square feet shall be setback a minimum of ten (10) feet from side and rear lot lines
11. Swing sets and related recreational equipment shall be setback a minimum of ten (10) feet from side and rear lot lines and shall not be located in any front yard or in front of the principal building on a lot.
12. Sanitary and drinking water facilities.
13. Air conditioning units, heat pumps, and emergency generators shall be setback a minimum of ten (10) feet from side and rear lot lines and shall not be located in any front yard or in front of the principal building on a lot.
14. Fuel tanks shall be setback a minimum of ten (10) feet from side and rear lot lines and shall not be located in any front yard or in front of the principal building on a lot.

15. Landscaping features and screening, including earthen mounds and retaining walls.
16. Walkways, trails, and sidewalks.
17. Utility sheds with a maximum of eighty (80) square in floor area shall be setback a minimum of ten (10) feet from side and rear lot lines and shall not be located in any front yard or in front of the principal building on a lot.
18. Stormwater management retention and detention facilities.

401.11 MANUFACTURED HOMES

A. A manufactured home shall be permanently sited on a lot in accordance with O.R.C. Section 519.212 and shall conform to all of the following regulations.

1. Conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 88 Stat. 700 42 U.S.C.A. 5401, 5403 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 U.S.C.A. Section 5415, and be manufactured after January 1, 1995.
2. Have all hitches, axles, wheels, running lights and other indicia of mobility removed from the home.
3. Be exclusive of any addition, having a width of not less than twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point and a minimum floor area in accordance with the residential district in which it is located.
4. Be permanently installed upon and properly attached to a continuous perimeter foundation per O.R.C. Section 3781.06 (C)(5) that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to appropriate utilities including sewage treatment and water supply in accordance with the regulations of the public health and sanitation agency having jurisdiction.
5. Conform to all residential district regulations for the zoning district in which it is located.
6. Have a minimum roof pitch of 3:12, conventional residential siding, and a minimum six (6) inch eave overhang, including appropriate guttering.
7. The owner, shall surrender the title, if any, to the manufactured home to the appropriate county department to ensure that it is taxed with the affected real property.

401.12 LICENSED RESIDENTIAL FACILITY

A. Regulations for a licensed residential facility shall include the following:

1. The area, height, and yard requirements for the residential district in which it is located shall be met.
2. Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided to the Zoning Inspector.

401.13 EXTERIOR LIGHTING

A. All sources of exterior illumination of a building, structure, or lot shall be shielded so as not to cause direct glare and shall be directed away from any perimeter lot lines and toward the principal

building, structure, or use on a lot. In order to minimize light trespass, all exterior lighting fixtures with lamps rated at initial lumens of 2,500 lumens or more shall be of the full cutoff type. Every fixture of this type shall be so installed that it operates at all times as full cutoff fixtures as defined in this resolution.

B. Exterior lighted signs shall utilize shielded light fixtures from which direct light is not emitted beyond the boundaries of the sign.

C. Exceptions to the preceding paragraph “A” are:

- 1.** Light fixtures producing light directly by the combustion of fossil fuels such as natural gas or kerosene.
- 2.** Temporary holiday lighting or temporary emergency lighting.
- 3.** Night lighting of a flag, which may use one light fixture with a lamp rated up to 5,500 initial lumens; this fixture must emit a narrow cone beam of light that will not extend beyond the illuminated object.

D. Exterior light poles and fixtures shall have a minimum setback of ten (10) feet from all lot lines.

E. Exterior light poles shall have a maximum height of thirty-five (35) feet.

401.14 FIRE PROTECTION PONDS

A. A platted subdivision containing ten(10) or more total sublots, or a building or group of buildings on a lot containing more than five thousand (5,000) square feet of gross floor area, shall include a pond for fire protection constructed by the owner in accordance with the standards and specifications of the Chardon Volunteer Fire Department and Geauga Soil and Water Conservation District if the property is north of U.S. Route 322 or the Burton Volunteer Fire Department and Geauga Soil and Water Conservation District if the property is south of U.S. Route 322. Provided, however, if it is otherwise determined by the applicable Fire Department that such a pond is not required, then the Fire Department shall notify the Zoning Inspector in writing accordingly. The pond shall include the installation of a dry hydrant. The dry hydrant shall be installed in accordance with the standards and specifications of the said Fire Departments and shall be so located as to permit access by firefighting and emergency vehicles.

B. No zoning certificate shall be required for the installation of a fire protection pond or dry hydrant, however, the township zoning inspector shall not approve and sign a final plat for a subdivision or issue a zoning certificate for a building as specified in paragraph “A” until the standards and specifications of the said Fire Departments and Geauga Soil and Water Conservation District have been met for the design and installation of the fire protection pond, the dry hydrant, and access thereto, if required.

C. If a platted subdivision is phased, the fire protection pond and dry hydrant shall be constructed in the initial phase.

401.15 SEWAGE TREATMENT FACILITIES

A. The applicant shall provide written documentation that the appropriate governmental authority has approved the sewage treatment disposal facility to serve the proposed use on a lot prior to the approval of an application for, and the issuance of, a zoning certificate.

401.16 MAXIMUM LOT COVERAGE

- A.** The maximum lot coverage shall be 40 percent.

402.00 GENERAL COMMERCIAL DISTRICT

402.01 PERMITTED BUILDINGS, STRUCTURES AND USES

A. All the permitted principal buildings, structures, and uses in the R-1 District, set forth in Section 401.02.

B. Offices of an accountant, attorney, broker, dentist, engineer, financial advisers, optometrist, physician, real estate agent, surveyor, architect, interior designer, insurance agency, ophthalmologist, chiropractor, travel agent, computer technician or veterinarian.

C. Commercial Establishments limited to:

1. Antique shops
2. Artists' supply stores
3. Athletic and exercise club
4. Car wash
5. Automotive and vehicle parts and supply stores
6. Bakeries
7. Banks and other lending institutions
8. Barber shops
9. Beauty parlors
10. Bed and Breakfast homes
11. Billiard Halls
12. Book, newspaper and record stores
13. Bowling alleys
14. Building trade and excavating contractors
15. Caterers
16. Child Day Care Facilities
17. Clinics
18. Clothing and apparel stores
19. Clubs
20. Commercial parking garages
21. Commercial schools, such as dancing, business, trade or vocational
22. Computer repair
23. Computer sales and service

24. Drapery and fabric stores
25. Drugstores
26. Electronics stores
27. Event centers
28. Fitness Centers
29. Florist shops
30. Food and beverage stores, such as supermarkets and delicatessens
31. Frozen food lockers
32. Funeral homes
33. Furniture, household goods, appliance stores, cabinet shops
34. Gift and stationery stores
35. Hardware, paint, lumber or electrical stores
36. Heating, ventilation and air conditioning service contractors
37. Hospitals
38. Hotels and motels
39. Household appliances, sales, service and repair
40. Indoor shooting ranges
41. Interior decorators
42. Jewelry stores
43. Laundry and dry cleaning pick-up stores
44. Landscaping services and supplies
45. Lending libraries, public or private
46. Locksmiths
47. Lodges and meeting halls
48. Luggage and leather goods stores
49. Restaurants, except carry-out and drive-in
50. Medical and orthopedic appliance stores
51. Music and musical instrument stores
52. Nursing homes and residential care facilities
53. Office buildings

54. Offices-professional, business and philanthropic
55. Office supply stores
56. Photographic studios
57. Photographic supply stores
58. Picture framing shops
59. Plumbing and heating supplies
60. Rental Centers
61. Seed or garden supply stores
62. Self-service laundries
63. Self Service Storage facilities (with the following regulations)
 - a. Regulations for self service storage facility
 - (1) A maximum of two (2) driveways for ingress or egress in accordance with Article 5 shall be allowed.
 - (2) The storage facility shall comply with Ohio Basic Building Code (OBBC) for S-1 storage.
 - (3) The owner shall include in the language of the lease or rental agreement that the fire department shall have access to the rental unit for the purposes of inspection at any time. The owner is to have a master key for the inspection.
 - (4) The owner shall install a Knox Box system or similar system outside the gate for entry to the premises by emergency personnel for emergency purposes.
 - (5) A fire alarm system with twenty-four (24) hour monitoring of each storage space is required.
 - (6) A 20 pound ABC extinguisher shall be required in an enclosed weatherproof box at the ends of each building.
 - (7) Security lighting shall be required around each building. All outside lighting shall comply with Sections 402.06 and 401.13.
 - (8) The interior of each storage unit shall utilize ceiling mounted florescent or LED lighting.
 - (9) All storage on the property shall be kept within a fully enclosed Building or storage unit.
 - (10) All signage shall be in accordance with Article 6.
 - (11) An eight (8) foot high security fence shall completely enclose the perimeter of the compound with gated ingress and egress.

- b. Prohibited uses

1. All activities other than lease or rental of storage units and pick up and deposit of dead storage on the lot, including but not limited to the following.

(1) All auctions, commercial wholesale, retail sales or garage sales. (2) The servicing, repair or fabrication of vehicles, boats, trailers lawn mowers, appliances or other similar items.

(3) The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.

(4) The establishment of a "transfer and storage" business.

(5) Any use that is noxious or offensive because of odors, dust, noise fumes or vibrations.

(6) Any storage of hazardous, explosive or flammable materials and other noxious or dangerous materials.

2. Electrical outlets.

3. Outdoor advertising displays that do not identify the nature of the storage facility.

4. No fencing shall be permitted in the required minimum front yard.

64. Service stations subject to the following regulations:

- a. Fuel pumps and electric vehicle supply equipment spaces shall be setback a minimum of thirty (30) feet from the road right-of-way.
- b. Canopies over fuel pumps and electric vehicle charging spaces shall be setback a minimum of twenty (20) feet from the road right-of-way.
- c. All fuel tanks shall be completely underground.

65. Skating rinks

66. Sporting goods stores

67. Tailor and furrier

68. Theater, indoor

69. Tobacco stores

70. Toy stores

71. Travel bureaus

72. Variety stores

73. Vehicle repair garages.

74. Veterinarian hospitals

75. Yard and barn equipment sales

402.02 PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES (WHICH ARE ON THE SAME LOT WITH, AND INCIDENTAL OR SUBORDINATE TO THE PRINCIPAL PERMITTED BUILDING, STRUCTURE OR USE).

A. All of the permitted accessory buildings, structures, and uses set forth in Article 4, Section 401.03.

402.03 CONDITIONAL BUILDINGS, STRUCTURES AND USES

A. Certain conditional uses within the C District may be permitted upon application to the Board of Zoning Appeals for a conditional zoning certificate and a conditional zoning certificate may be issued upon the applicant's satisfying the various conditions set forth for the specific uses hereinafter set forth under each use and the general conditions set forth in article 7.

B. While all decisions are made in a consistent and equitable manner, each conditional use application is evaluated on its own merits with regard to the conditions of this resolution and such other conditions determined by the Board of Zoning Appeals and may be denied.

C. Conditional Uses

1. Shopping centers

a. Specific conditions:

The owner of a tract of land containing not less than four (4) acres may submit to the Zoning Board of Appeals for its review, a site plan for the use and development of such tract of land for a shopping area or center.

Before granting a conditional zoning certificate, the Zoning Board of Appeals must be satisfied that the following conditions are met:

The owner shall start construction within one year of the approval of the project. (a) If construction is not started within one year, the certificate becomes null and void. (b) If the center is not completed within a reasonable amount of time as determined by the Zoning Board of Appeals the certificate is null and void.

(1) The proposed shopping area or center is located so that reasonably direct traffic access is supplied from principal thoroughfares and where congestion will be obviated by presently projected improvement of access thoroughfares.

(i) The plan provides for a shopping area or center consisting of one or more groups of establishments in a building or buildings of harmonious design, having no adverse effects upon the adjoining or surrounding area, together with an adequate and properly arranged traffic pattern. A Traffic impact study may be requested by the Board of Zoning Appeals.

(ii) Building Height - no building shall exceed thirty-five (35) feet in height.

(iii) Yards - No building shall be less than one hundred (100) feet distant from any boundary of the tract on which the shopping center located when adjacent to any R-1 District. The center shall be

permanently screened from all adjoining properties located in any R-1 District by a wall or compact evergreen shrubs, trees or hedges at least six (6) feet in height. Such wall, shrubs, trees or hedges shall be placed at least five (5) feet from the property line.

(iv) Lot Coverage-The maximum lot coverage, as defined in Article 2, shall not exceed twenty-five (25) percent of the total area of the lot.

(v) Customer Parking Space--(See Article 5)

(vi) Loading Space-Notwithstanding any other requirement of this resolution, there shall be provided one off-street loading or unloading space for each ten thousand (10,000) square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one-third (1/3) of the spaces required shall be sufficient in areas and vertical clearance to accommodate trucks of the tractor-trailer type.

(vii) Access Drives and Illumination of Parking Areas-shall conform to the requirements of Article 5 and Sections 402.06 and 401.13.

(viii) Signs-Each center shall be permitted two free standing signs not over thirty (30) feet in height, having a maximum total area of one hundred (100) square feet and located not closer than ten (10) feet to the road right-of-way and not closer than one hundred (100) feet to any adjoining lot line. A single identification pylon or similar structure of a height in excess of thirty (30) feet and in harmony with the design of the buildings shall be permitted in a shopping center. All signs within the center shall be flat wall signs. In a shopping center, all signs shall only be indirectly illuminated, and all signs shall conform to the distance requirements from property lines for the buildings in the center.

b. Permitted uses: The uses permitted in a shopping area or center shall be those retail business, commercial and service uses permitted in the C District (Section 402.01.)

c. A shopping center shall be in conformity with all of the regulations for the zoning district in which it is located.

2. Archery range and golf driving ranges provided that:

a. Eight (8) foot high fencing is erected and maintained along the side and rear lot lines.

b. A strip of land at least ten (10) feet wide, densely planted with shrubs or trees that form a dense year around screen shall be maintained along each side of the lot adjoining a street and located at least twenty (20) feet from the right-of-way lines.

c. If lighting is constructed, it must conform to Sections 402.06 and 401.13, regarding Exterior Lighting.

d. An Archery range or golf driving range shall be in conformity with all of the regulations for the zoning district in which it is located.

3. Vehicle sales, lease or rental, provided that:

a. All lighting fixtures adhere to Sections 402.06 and 401.13.

b. The lot used for the parking and storage of automobiles, including driveways, shall be properly graded for drainage so that all water is drained within the lot, and no water shall be permitted to flow onto adjoining streets or other property. Such premises shall be surfaced with concrete, asphaltic concrete, asphalt or similar all-weather surface, and maintained in good condition and free of debris and trash.

c. The driveway used to provide accessibility to the lot shall be so located and arranged to minimize traffic congestion, therefore:

(i) Not more than two (2) such driveways shall be permitted.

(ii) The center line of each such driveway shall be at least fifty (50) feet from the right-of-way of any intersecting street where the driveways and intersecting street are on the same side of a street.

(iii) The maximum width of each such driveway shall be thirty (30) feet, measured at right angles to the angle of the driveway entrances. Each such driveway shall have an apron of six (6) feet radius at the curb, to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic and,

(iv) Structurally sound wheel or bumper guards shall be provided and so located that no part of a parked or stored automobile shall extend into a required yard area.

d. Vehicle sales, lease or rental shall be in conformity with all of the regulations for the zoning district in which it is located.

4. Carry out or Drive-in Restaurants

a. A traffic impact study may be requested by the Board of Zoning Appeals.

b. Carry-out or Drive-in Restaurants shall be in conformity with all of the regulations for the zoning district in which it is located.

c. The stacking lane for carry-out or drive-in service shall accommodate a minimum of five (5) vehicles and shall be a minimum width of ten (10) feet.

402.04 MINIMUM LOT AREA

- A. The minimum lot area shall be three (3) acres.

402.05 MINIMUM LOT FRONTAGE AND WIDTH

- A. The minimum lot frontage and width shall be two hundred fifty (250) feet.

402.06 REQUIRED YARDS

- A. The required yards for all buildings, structures, and uses including accessory buildings, structures and uses shall be as follows:

1. Front yard: 100 feet
2. Each side yard: 50 feet
3. Rear yard: 50 feet

- B. The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be one hundred (100) feet.

- C. Side or Rear Yard abutting R-1 District

1. All side or rear yards abutting an R-1 District shall be fifty (50) feet.
2. All side or rear yards abutting an R-1 District along the side or rear lot lines shall be appropriately screened by fences, walls, earthen mounds or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences, walls, earthen mounds or evergreens shall be a minimum height of six (6) feet upon installation. Evergreens shall be spaced ten (10) feet off center upon planting.

402.07 MAXIMUM HEIGHT

- A. The maximum height requirement for buildings and structures shall be thirty-five (35) feet except as otherwise provided in this resolution.

- B. The maximum height of antennas, church spires, belfries, wind systems or wind towers, chimneys, clock towers, flag poles, water towers, and transmission towers shall be no higher than the distance from its base to the nearest lot line.

- C. The maximum height of wireless telecommunications towers shall be in accordance with Article 12.

402.08 MAXIMUM LOT COVERAGE

- A. The maximum lot coverage shall be forty (40) percent.

402.09 PERMITTED BUILDINGS, STRUCTURES, AND USES IN REQUIRED YARDS

A. Permitted buildings, structures, and uses in required yard areas shall be as set forth in Section 401.10

402.10 MINIMUM DISTANCE BETWEEN BUILDINGS

A. The minimum distance between buildings on the same lot shall be twenty (20) feet.

402.11 EXTERIOR LIGHTING

A. All sources of exterior illumination of a building, structure, or lot shall be installed in accordance with Sections 402.06 and 401.13.

402.12 FIRE PROTECTION PONDS

A. A fire protection pond shall be constructed on a lot in accordance with Section 401.14.

402.13 EXTERIOR DISPLAY OR SALES AREAS

A. Exterior display or sales areas for goods and merchandise shall be a minimum of fifty (50) feet from any front lot line or the centerline of the road right-of-way and a minimum of fifty (50) feet from any side or rear lot lines or the centerline of the road right-of-way, whichever is greater. Exterior sales or display areas for goods and merchandise shall not be located within any off-street parking spaces, loading/unloading spaces or driveways on a lot. Exterior display or sales areas shall be screened in accordance with Section 402.06(C)(2).

402.14 EXTERIOR STORAGE AREAS

A. Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, structure or use of the lot shall **not be located in front of a principal building on a lot and shall** be a minimum of fifty (50) feet from any front lot line or the centerline of the road right-of-way, whichever is greater, and a minimum of twenty (20) feet from any side or rear lot lines or a minimum of fifty (50) feet if adjacent to a R-1 District boundary, unless otherwise specified in this resolution. Exterior trash receptacles or dumpsters shall be fully screened and shall not be located in the front of any principal building on a lot or in any front yard. Exterior trash receptacles or dumpsters shall be a minimum of thirty (30) feet from any side or rear lot lines. Exterior storage areas shall be screened in accordance with Section 402.06(C)(2).

402.15 SEWAGE TREATMENT FACILITIES

A. The applicant shall provide written documentation that the appropriate governmental authority has approved the sewage treatment disposal facility to serve the proposed use on a lot prior to the approval of an application for, and the issuance of, a zoning certificate.

403.00 RESTRICTED INDUSTRIAL DISTRICT

403.01 PERMITTED PRINCIPAL BUILDINGS, STRUCTURES AND USES

A. All permitted buildings, structures, and uses in the R-1 District in Section 401.02.

B. Light manufacturing and assembling of the following:

1. Agricultural products
2. Canvas products, such as tents and awnings
3. Cement and cinder blocks
4. Ceramic products
5. Chemicals, compounding and packaging
6. Clay products
7. Cosmetics and toiletries
8. Electronic research and manufacturing
9. Firearms
10. Food products, except slaughtering or the preparation of fish for packaging
11. Furniture products
12. Glass and optical products from previously manufactured glass
13. Jewelry, clocks and watches
14. Luggage
15. Machine shops, excluding punch presses with a rated capacity of over twenty (20) tons, drop hammers and automatic screw machines
16. Office and business machines
17. Pharmaceutical products
18. Photographic equipment
19. Scientific and other precision instruments
20. Sporting goods
21. Toys and novelties
22. Venetian blinds, window shades and awnings

C. The following services:

1. Boat repair

2. Carpet cleaning establishments
3. Cold storage plants
4. Furniture repair and refinishing shops
5. Laboratories, research, experimental and testing
6. Motor vehicle and machinery repair, including body repair and painting
7. Photographic development and printing establishments
8. Printing and publishing
9. Sign painting shops
10. Wholesale businesses
11. Enclosed storage and warehousing
12. Trucking and transportation logistics

D. The assembly and processing of the following:

1. Vehicle parts and supplies
2. Packaging and crating establishments
3. Soldering or welding
4. Wood, plastic, rubber and metal products
5. Electronic equipment

403.02 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES (WHICH ARE ON THE SAME LOT WITH AND OF A NATURE CUSTOMARILY INCIDENTAL OR SUBORDINATE TO THE PRINCIPAL PERMITTED BUILDING, STRUCTURE OR USE.)

- A. All of the permitted accessory buildings, structures, and uses set forth in Section 401.03.

403.03 REQUIRED LOT AREA

- A. The minimum required lot area shall be five (5) acres.

403.04 REQUIRED LOT FRONTAGE AND WIDTH

- A. The minimum required lot frontage and width shall be three hundred fifty 350 feet.

403.05 REQUIRED YARDS

- A. The required yards for all buildings, structures, and uses including accessory buildings, structures and uses shall be as follows:

1. Front yard: 100 feet

2. Each side yard: 30 feet, 50 feet if the lot abuts an R-1 District.
 3. Rear Yard: 30 feet, 50 feet if the lot abuts an R-1 District.
- B.** The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be one hundred (100) feet.
- C.** Side or Rear Yard abutting an R-1 District
1. All side or rear yards abutting an R-1 District shall be fifty (50) feet.
 2. All side or rear yards abutting an R-1 District along the side or rear lot lines shall be appropriately screened by fences, walls, earthen mounds or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences, walls, earthen mounds or evergreens shall be a minimum height of six (6) feet upon installation.

403.06 MAXIMUM HEIGHT

- A.** The maximum height requirement for buildings and structures shall be thirty-five (35) feet except as otherwise provided in this resolution.
- B.** The maximum height of antennas, church spires, belfries, wind system devices or wind towers, flag poles, water towers, and transmission towers shall be no higher than the distance from its base to the nearest lot line.
- C.** The maximum height of wireless telecommunications towers shall be in accordance with Article 12.

403.07 MAXIMUM LOT COVERAGE

- A.** The maximum lot coverage shall be forty percent.

403.08 PERMITTED BUILDINGS, STRUCTURES, AND USES IN REQUIRED YARD

- A.** Permitted buildings, structures and uses in required yard areas shall be as set forth in Section 401.10.

403.09 MINIMUM DISTANCE BETWEEN BUILDINGS

- A.** The minimum distance between buildings on the same lot shall be twenty (20) feet.

403.10 EXTERIOR LIGHTING

- A.** All sources of exterior illumination of a building, structure, or lot shall be installed in accordance with Sections 403.05 and 401.13.

403.11 FIRE PROTECTION PONDS

- A.** A fire protection pond shall be constructed on a lot in accordance with Section 401.14

403.12 EXTERIOR DISPLAY OR SALES AREAS

A. Exterior display or sales areas for goods and merchandise shall be a minimum of fifty (50) feet from any front lot line or the centerline of the road right-of-way, whichever is greater, and a minimum of fifty (50) feet from any side or rear lot lines or the centerline of the road right-of-way, whichever is greater. Exterior sales or display areas for goods and merchandise shall not be located within any off-street parking spaces, loading/unloading spaces or driveways on a lot. Exterior display or sales areas shall be screened in accordance with Section 403.05(C)(2).

403.13 EXTERIOR STORAGE AREAS

A. Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, structure or use of the lot shall not be located in front of a principal building on a lot and shall be a minimum of fifty (50) feet from any front lot line or the centerline of the road right-of-way, whichever is greater and a minimum of twenty (20) feet from any side or rear lot lines or a minimum of fifty feet (50') if adjacent to a R-1 District boundary, unless otherwise specified in this resolution. Exterior trash receptacles or dumpsters shall be fully screened and shall not be located in the front of any principal building on a lot or in any front yard. Exterior trash receptacles or dumpsters shall be a minimum of thirty (30) feet from any side or rear lot lines. Exterior storage areas shall be screened in accordance with Section 403.05(C)(2).

403.14 SEWAGE TREATMENT FACILITIES

A. The applicant shall provide written documentation that the appropriate governmental authority has approved the sewage treatment disposal facility to serve the proposed use on a lot prior to the approval of an application for, and the issuance of, a zoning certificate.

403.15 CONDITIONAL USES IN THE RESTRICTED INDUSTRIAL DISTRICT

A. Adult oriented businesses as regulated in Article 13 of this resolution.

404.00 INSTITUTIONAL DISTRICT

- A. A district to provide for controlled development by Geauga County governmental agencies on land presently owned by Geauga County Board of Commissioners.

404.01 PERMITTED BUILDINGS, STRUCTURES AND USES:

- A. Animal shelters operated by Geauga County governmental agencies
- B. Clinics and hospitals operated by non-profit entities
- C. Geauga County Emergency operation centers
- D. Geauga County equipment storage
- E. Maintenance garages for Geauga County agencies
- F. Offices and meeting facilities of Geauga County and non-profit agencies
- G. Recreation centers operated by Geauga County
- H. Road maintenance material storage for Geauga County
- I. Safety centers operated by Geauga County
- J. Sheltered workshops operated by Geauga County
- K. Youth Center Operated by Geauga County

404.02 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. Buildings, structures and uses clearly incidental and subordinate to the permitted uses
(See Section 401.03).

404.03 MINIMUM LOT AREA

- A. The minimum lot area shall be two (2) acres where serviced by central sewers.
- B. The minimum lot area shall be three (3) acres when storing chemicals, salts or explosive materials.

404.04 MINIMUM LOT FRONTAGE AND WIDTH

- A. The minimum lot frontage and width shall be one hundred fifty (150) feet where serviced by central sewers.
- B. The minimum lot frontage and width shall be two hundred fifty (250) feet when storing chemicals, salts or explosive materials.

404.05 REQUIRED YARDS

- A. The required yards for all buildings, structures, and uses including accessory buildings, structures and uses shall be as follows:

1. Front yard: 100 feet
 2. Each side yard: 30 feet, 50 feet if the lot abuts an R-1 District.
 3. Rear Yard: 30 feet, 50 feet if the lot abuts an R-1 District.
- B.** The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be one hundred (100) feet.
- C.** Side or Rear Yard abutting an R-1 District
1. All side or rear yards abutting an R-1 District shall be fifty (50) feet.
 2. All side or rear yards abutting a R-1 District along the side or rear lot lines shall be appropriately screened by fences, walls, earthen mounds or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences, walls, earthen mounds or evergreens shall be a minimum height of six (6) feet upon installation. Evergreens shall be spaced ten (10) feet off center upon planting.

404.06 MINIMUM DISTANCE BETWEEN BUILDINGS

- A.** The minimum distance between buildings on the same lot shall be twenty (20) feet.

404.07 MAXIMUM HEIGHT

- A.** The maximum height requirement for buildings and structures shall be thirty-five (35) feet except as otherwise provided in this resolution.
- B.** The maximum height of antennas, church spires, belfries, wind system devices or wind towers, flag poles, water towers, and transmission towers shall be no higher than the distance from its base to the nearest lot line.
- C.** The maximum height of wireless telecommunications towers shall be in accordance with Article 12.

404.08 MAXIMUM LOT COVERAGE

- A.** The maximum lot coverage shall be forty (40) percent.

404.09 EXTERIOR LIGHTING

- A.** All sources of exterior illumination of a building, structure, or lot shall be installed in accordance with Sections 404.05 and 401.13.

404.10 FIRE PROTECTION PONDS

- A.** A fire protection pond shall be constructed on a lot in accordance with Section 401.14.

404.11 SEWAGE TREATMENT FACILITIES

A. The applicant shall **provide written documentation** that the appropriate governmental authority has approved the sewage treatment disposal facility to serve the proposed use on a lot prior to the approval of an application for, and the issuance of, a zoning certificate.

405.00 ORGANIZED CAMP FACILITY - OCF

405.01 PERMITTED BUILDINGS, STRUCTURES AND USES

- A. Organized Camp Facilities, as defined in Section 201.00 of this resolution.
- B. Agriculture
- C. Public Utilities

405.02 ORGANIZED CAMP FACILITY SHALL BE PERMITTED SUBJECT TO THE FOLLOWING REGULATIONS:

- A. No more than two and one half (2.5) campers and staff per acre of land available for use as an Organized Camp Facility (including any buffer zone) shall be permitted to attend the camp at one time.
- B. The Organized Camp Facility shall not be utilized for entertainment or athletic facilities in which a fee to attend or participate is charged to non-campers, such as musical events, and other forms of entertainment and sporting activities, either indoors or outdoors.
- C. The Organized Camp Facility shall be primarily limited to the use thereof by the campers, the staff, maintenance personnel, and also for small groups meeting the density regulations of this paragraph who use the organized Camp Facilities for organized camp activities not intended to be engaged for profit by the camp operator or the sponsor of the activities, in order to limit the number of people entering and exiting the Organized Camp Facility and to avoid placing a burden on the ground water resources, on-site sewage treatment facilities and in order to avoid the placement of unreasonable burdens on the Township roads, facilities and emergency services.

405.03 EXEMPTION

- A. Organized Camp Facilities within the Organized Camp Facility District at the time of the creation of the Organized Camp Facility District may continue to operate as is and any new development of the facility must conform to the Organized Camp Facility District regulations.

405.04 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. Private garages, gardens and other buildings, structures or uses clearly incidental to permitted uses.
- B. Parking facilities and signs as regulated by this resolution in Article 5 and Article 6.
- C. Signs in accordance with Article 6 and the following:
 - 1. Signage on buildings identifying their name and purpose not to exceed twenty• five (25) square feet in area
 - 2. Signs identifying groups, or divisions of campers not to exceed twenty-five (25)

square feet in area.

3. Directional signs not to exceed fifteen (15) square feet in area.

4. Camp identification signs and entrance and exit signs at all points where the Organized Camp Facility has any entry from or to a public road, not to exceed a total of twenty-five (25) square feet per face per entrance.

405.05 ACCESS DRIVES AND ILLUMINATION OF PARKING AREAS:

A. Two separate access roads from at least one public roadway accessible to the Organized Camp Facility shall be made available. These access roads must be at least twenty (20) feet from any side or rear property line.

B. Access Drives and illumination of parking areas shall conform to the requirements of Article 5 and Sections 405.08 and 401.13 of this resolution.

405.06 DISTANCE BETWEEN STRUCTURES:

A. All new structures other than housing structures and tents, shall be constructed in such a manner that there shall be a separation of thirty (30) feet between the sides or corners of any structure to be used for dining, assembling, or toilet facilities.

B. All new housing structures, with the exception of tents, shall be constructed in groups of no more than five (5) (unless there is a thirty (30) foot separation between each group of structures) with each structure in the group being not less than ten (10) feet apart and constructed all in a row or in a semi-circle with each structure front facing in a similar direction and with access for emergency and fire fighting vehicles on either side of the structures. Each group of five (5) structures should be not less than thirty (30) feet apart from any other structure on the Organized Camp Facility, with the exception of shower and toilet facilities.

405.07 BUFFER ZONE:

A. Within any Organized Camp Facility, there shall be no new structures or recreational facilities located within one hundred (100) feet of any front, side or rear perimeter lot line. No new structures or facilities shall be permitted within the one hundred (100) foot buffer zone and no use of the buffer zone shall be permitted by the Organized Camp Facility campers and staff other than for study or appreciation of plant and animal life, the study of agriculture, including the ability to plant, maintain and harvest agricultural products. Where such activities are engaged in within one hundred (100) feet of any property line of the Organized Camp Facility, the camp shall install property line identification markers so the campers and staff will be aware of and respect the boundaries of the Organized Camp Facility.

405.08 MAXIMUM HEIGHT REQUIREMENT

- A.** The maximum height requirement for buildings and structures shall be thirty-five (35) feet except as otherwise provided in this resolution.
- B.** The maximum height of antennas, church spires, belfries, wind system devices and wind towers, flag poles, water towers, and transmission towers shall be no higher than the distance from its base to the nearest lot line.
- C.** The maximum height of wireless telecommunications towers shall be in accordance with Article 12.

405.09 USE STANDARDS

- A.** Occupants of the Organized Camp Facility shall not use the land in a manner which causes excessive: noise, heat, humidity, glare, particulate matter, odorous matter, or used in a manner which produces objectionable effects.

405.10 MINIMUM LOT WIDTH AND FRONTAGE

- A.** The minimum lot width measured at the actual building line shall be two hundred fifty (250) feet and the minimum lot frontage shall be two hundred and fifty (250) feet.

405.11 MAXIMUM LOT COVERAGE

- A.** The maximum percentage of lot coverage as defined in Article 2, shall not exceed ten percent (10%)

405.12 EXTERIOR LIGHTING

- A.** All sources of exterior illumination of a building, structure, or lot shall be installed in accordance with Sections 405.08 and 401.13.

405.13 FIRE PROTECTION PONDS

- A.** A fire protection pond shall be constructed on a lot in accordance with Section 401.14.

405.14 SEWAGE TREATMENT FACILITIES

- A.** The applicant shall provide written documentation that the appropriate governmental authority has approved the sewage treatment disposal facility to serve the proposed use on a lot prior to the approval of an application for, and the issuance of, a zoning certificate.

ARTICLE 5 PARKING

500.00 GENERAL REQUIREMENTS FOR PARKING AND LOADING/ UNLOADING FOR ALL ZONING DISTRICTS

- A.** Adequate parking and loading/unloading spaces in accordance with this resolution shall be provided at the time any building, structure, or use is located, erected, constructed, reconstructed, enlarged, structurally altered, or any use is changed. Such spaces shall be used only for parking or loading/unloading of vehicles.
- B.** All parking and loading/unloading spaces shall be totally outside of the right-of-way of any public or private road.
- C.** All parking and loading/unloading spaces shall be located on the same lot as the use to be served, unless otherwise specified herein.
- D.** All parking and loading/unloading spaces together with driveways, aisles, and other circulation areas shall be improved with such material to provide a durable all-weather and dust-free surface consisting of aggregate, asphalt or concrete. Loading/unloading spaces shall also be in conformity with Section 501.00.
- E.** All parking and loading/unloading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways and roads.
- F.** The owner of the property used for parking and loading/unloading spaces shall maintain such areas in good condition without holes and free of all dust, trash and other debris. Maintenance shall include resurfacing of areas with potholes or cracks, restriping, trimming and replanting of landscaping islands and perimeter yards or screening, servicing of drainage inlets and stormwater facilities, replacement of faded or missing signage, and repair of malfunctioning lighting.
- G.** All parking and loading/unloading spaces intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot or loading/unloading area shall be so arranged as to reflect the light away from the adjoining property or roads and shall be in accordance with the lighting regulations for the zoning district in which located.
- H.** All parking lots with a capacity over twelve (12) vehicles or paved with asphalt or concrete shall be striped between spaces to facilitate the movement into or out of parking spaces.
- I.** All parking lots and loading/unloading spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and loading/unloading spaces from or into a public or private road shall be traveling in a forward motion. Access driveways for parking lots and loading/unloading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private road.

J. All entrances and exits to a parking lot shall be clearly delineated by appropriate directional signage and/or pavement markings. Interior vehicular circulation patterns shall be delineated by appropriate directional signage and/or pavement markings and driveways and aisles for ingress and egress shall maintain the following minimum standards:

1. Driveways and aisles for one-way traffic shall have a minimum width of twelve (12) feet and shall have a minimum width of twenty-two (22) feet for two-way traffic.
2. There shall be no more than two (2) points of ingress/egress per lot from a road to a parking lot and such points of ingress/egress shall be spaced a minimum of one hundred (100) feet apart, measured from the centerline of each driveway in a perpendicular fashion.

K. Location and maintenance:

1. Off-street parking spaces shall not be permitted within ten (10) feet of any street right-of-way line.
2. Off-street parking spaces shall be provided with wheel or bumper guards that are so located that no part of a parked vehicle will extend beyond such parking space.

L. Off street parking spaces shall be set back a minimum of ten (10) feet from the road right-of-way and ten (10) feet from any side or rear lot line. Loading/unloading spaces shall be located to the side or rear of the building or structure they serve, shall not be in any front yard, and shall be setback a minimum of ten (10) feet from any side or rear lot line. A fully landscaped strip, not less than ten (10) feet in width, consisting of grass, shrubs, or trees shall be located between the road right-of-way and off-street parking spaces. Internal landscape islands may be installed in order to delineate the end of aisles.

M. Whenever a parking lot and/or loading/unloading area is located in or adjacent to a residential district, it shall be effectively screened on all sides that adjoin or face any property used for residential purposes, by a wall, fence, or planting screen. Such wall, fence, or planting screen shall be not less than four (4) feet nor more than six (6) feet in height upon installation and shall be maintained in good condition. The space between such wall, fence, or planting screen, and the lot line of the adjoining property in any residential district shall be landscaped and maintained in good condition in accordance with the buffer regulations contained in this resolution.

501.00 OFF-STREET LOADING/UNLOADING SPACE REQUIREMENTS

A. Off-street loading/unloading spaces shall be provided in accordance with the following provisions except as otherwise provided in this resolution.

B. Off-street Loading/unloading for Non-Residential Buildings or structures: For any non-residential building or structure, adequate off-street loading/unloading space shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the lot lines of the concerned. No vehicle shall, in any manner,

use public streets, sidewalks or rights-of-way for loading or unloading operations, other than for ingress or egress to or from the lot.

C. Surfacing: The area of the lot used for loading or unloading operations shall be surfaced with an impervious all-weather material, such as concrete, asphaltic concrete, asphalt or other similar hard-surfaced all-weather material.

502.00 PARKING AND LOADING/UNLOADING SPACES

A. No vehicle shall, in any manner, use public streets, sidewalks or rights-of-way for parking or loading/unloading.

B. The width of a parking space, including an electric vehicle supply equipment space per Section 401.03(A)(17), shall be a minimum of ten (10) feet and the length shall be a minimum of twenty (20) feet.

C. The collective or shared provision of parking and loading/unloading spaces for two (2) or more uses on the same lot may be permitted, provided that the total number of such spaces shall not be less than the sum of the spaces required for such uses computed separately, in accordance with this resolution.

D. If fractional spaces result when computing minimum spaces required, then the number of spaces required shall be determined to be the next highest whole number, if the fraction is one-half or more.

E. For commercial and industrial uses allowed by this resolution, a minimum of one (1) loading/unloading space shall be provided for each use with a minimum floor area of 1,000 square feet. One additional loading/unloading space shall be provided for each 1,000 square feet of floor area above the minimum specified herein.

F. Uses and Required spaces:

1. In all zoning districts, the minimum number of off-street parking spaces provided shall be in accordance with the following schedule of requirements. If a use is not listed, the Zoning Inspector shall determine the applicable number of spaces based upon a similar use. An electric vehicle supply equipment space may be included in determining the minimum number of off-street parking spaces required.

a. RESIDENTIAL USES AND RESIDENTIAL - BUSINESS USES
Residential Two (2) per dwelling

Hotels: One (1) for each dwelling unit, plus one (1) for each four (4) guest rooms, plus one (1) for each three (3) employees

Motels: One (1) for each guest room plus one (1) for each operator and one (1) for each employee

Bed and Breakfasts: One (1) for each guest room, plus one (1) for each two (2) employees.

Home Occupations: Two (2) in addition to the two (2) required for each dwelling plus one (1) for each employee.

Licensed residential facilities: One (1) for each occupant in addition to the two (2) required for each dwelling.

Type B family home: One (1) for each three (3) children plus one (1) for each employee.

b. SCHOOLS (PUBLIC OR PRIVATE)

Elementary and Junior High (Middle) Schools: One (1) for each two (2) staff members and other employees. See also requirements for Auditoriums, Gymnasiums and Stadiums.

Senior High Schools: One (1) for each staff member and other employees, plus one (1) for each twelve (12) seats in a classroom based on planned classroom capacity. See also requirements for Auditoriums, Gymnasiums and Stadiums.

Trade, Vocation, Business, Dancing Schools, Colleges and Universities: One for each staff member and employees, plus one (1) for each eight (8) seats in a classroom based on planned classroom capacity. See also requirements for Auditoriums, Gymnasiums and Stadiums.

c. INSTITUTIONAL USES

Hospitals: One (1) for each bed, plus one (1) for each employee.

Clinics and veterinary hospitals: One (1) for each one hundred (100) square feet of gross floor area plus one (1) for each employee.

Nursing Homes, Child Day Care, and Residential Care Facilities: One (1) for each employee, plus one (1) for each six (6) beds.

d. PLACES OF PUBLIC ASSEMBLY:

Auditoriums, Assembly Halls, Event Centers, Gymnasiums, and similar indoor Amusement or recreation uses and Stadiums: One (1) for each six (6) seats or total parking area Equal to three (3) times the gross floor area, whichever is greater plus one (1) for each employee.

Clubs and Lodges: Total parking area equal to one-half (1/2) the gross floor area plus one (1) for each employee.

Archery Ranges: Two (2) for each target plus one (1) for each operator and one (1) for each employee.

Libraries and Museums: One (1) for each employee, plus one (1) for each two hundred (200) square feet of gross floor area.

Places of Worship: One (1) for each six (6) seats.

Community Centers: One (1) for each one hundred fifty (150) square feet of gross floor area, plus one (1) for each employee.

Theaters, Indoor: One (1) for each two) seats plus one (1) for each employee.

e. RETAIL SALES USES:

Restaurants: One (1) for each employee, plus one (1) for each one Hundred (100) square feet of floor area devoted to Patron use or one (1) for each four (4) seats based on Maximum seating capacity, whichever is greater.

Establishments for the sale of Boats, Farm Implements, Furniture, Gymnasium Supplies Hospital Supplies, Office Supplies, Machinery:

For establishments having less than two thousand (2000) square feet of gross floor area, one (1) for each one thousand (1000) square feet of gross floor area.

For Establishments having two thousand (2000) square feet of gross floor area or more, one (1) for each seven hundred (700) square feet of gross floor area.

Plus one (1) for each employee.

Establishments for the sale of China, Floor Coverings, Hardware, Household Equipment Paint, Small Appliances, Wallpaper and other retail sales items:

For establishments having less than two thousand (2000) square feet of gross floor area, one (1) for each seven hundred (700) square feet of gross floor area.

For establishments having two thousand (2000) square feet of gross floor area or more, one (1) for each five hundred (500) square feet of gross floor area.

Plus one (1) for each employee.

Grocery Stores:

For establishments having less than two thousand (2000) square feet of gross floor area, one (1) for each five hundred (500) square feet of gross floor area.

For establishments having two thousand (2000) square feet of gross floor area up to and including four thousand square feet of gross

floor area, one (1) for each three hundred (300) square feet of gross floor area.

For establishments having over four thousand (4000) square feet of gross floor area, one (1) for each one hundred twenty-five (125) square feet of gross floor area.

Plus one (1) for each employee.

Nurseries or Plant Husbandry, Garden Supplies, Agricultural Produce, Farm Markets, Agritourism and other outdoor retail uses: One for each employee and adequate off-street parking sufficient to prevent vehicles from parking, in the road right-of-way, which is prohibited.

Service Stations: One (1) for each one hundred (100) square feet of gross floor area plus one (1) for each employee.

Vehicle Sales Lots: Total parking area equivalent to fifty (50) percent of the gross lot area, including vehicles that are for sale plus one (1) for each employee.

Wholesale Establishments: One (1) for each one thousand (1000) square feet of gross floor area plus one (1) for each employee.

f. RETAIL SERVICES USES:

Banks; Business and Professional Office Buildings: One (1) for each three hundred (300) square feet of gross floor area plus one (1) for each employee.

Medical or Dental Offices, and Medical or Dental Laboratories: Five (5) for each doctor or dentist, plus one (1) for each employee; or one (1) for each one hundred fifty (150) square feet of gross floor area, whichever is greater.

Car Washes: One (1) for each fifty (50) square feet of gross floor area plus one (1) for each employee.

Funeral Homes: Four (4) for each slumber room, chapel or parlor or one (1) for each fifty (50) square feet of floor area of assembly rooms, whichever is greater, plus one (1) for each employee.

Vehicle Repair and Service Garages: One (1) for each five hundred (500) square feet of gross floor area plus one (1) for each employee.

Bowling Alleys: Seven (7) for each lane plus one (1) for each employee.

Indoor Theaters: One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater plus one (1) for each employee.

Other Indoor Amusements Uses: One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater plus one (1) for each employee.

Other Retail Service Uses: One (1) for each three hundred (300) square feet of gross floor area plus one (1) for each employee.

g. PUBLIC SERVICE USES:

Police and Fire Stations, One (1) for each employee.

Township and other Governmental Buildings: One (1) for each three hundred (300) square feet of gross floor area plus one (1) for each employee.

h. FOR ALL USES WHICH ARE PERMITTED IN RESTRICTED INDUSTRIAL DISTRICTS ONLY:

Storage or Warehouse Uses: One (1) for each employee expected to be on the premises during the largest work shift period or total parking area equivalent to ten (10) percent of the gross floor area, whichever is greater.

Other Permitted Restricted Industrial Uses: One (1) for each employee expected to be on the premises during the largest work shift period or total parking area equivalent to twenty-five (25) percent of the gross floor area, whichever is greater.

i. ORGANIZED CAMP FACILITY:

One (1) for each employee plus one (1) for every cabin, tent dormitory or other residence

503.00 DRIVEWAYS

A. A driveway in the residential zoning district shall be setback a minimum of ten feet (10) from the nearest side and rear lot lines, measured in a perpendicular fashion from the lot line to the edge of the driveway and shall be a minimum of ten feet (10) in width, unless otherwise specified herein (see 500.00 J). A driveway shall be constructed of a durable all-weather surface consisting of aggregate, asphalt or concrete.

B. A driveway in the commercial and restricted industrial zoning districts shall be setback a minimum of ten feet (10) from the nearest side and rear lot lines, measured in a perpendicular fashion from the lot line to the edge of the driveway, shall be a minimum width of twelve (12) feet unless otherwise specified herein (see 500.00 J), shall be constructed of a durable all-weather surface consisting of aggregate, concrete or asphalt, and shall be in accordance with Section 500.00 of this resolution. Wherever possible, parking lots between contiguous commercial lots shall be joined by an off-street two-way drive.

C. If a driveway intersects a state, county, or township road a permit shall be secured from the appropriate governmental authority and a copy thereof provided to the zoning inspector as a part of an application for a zoning certificate.

D. In any zoning district, a driveway shall be setback a minimum of forty (40) feet from a road intersection, measured in a perpendicular fashion from the edge of the road right-of-way to the edge of the driveway, except that the minimum driveway setback for a driveway from a state highway intersection shall be in accordance with the applicable regulations of the Ohio Department of Transportation.

504.00 HANDICAPPED PARKING

A. Off-street parking spaces serving buildings and uses required to be accessible to the physically handicapped shall have conveniently located designated spaces provided in accordance with applicable federal, state, or other local codes, including the federal Americans with Disabilities Act.

ARTICLE 6

SIGNS

600.00 SIGN DEFINITIONS

A. Types of Signs:

- 1.** Billboard means an outdoor advertising device which advertises an activity, service or product located on a lot other than a lot at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or individual for the purpose of selling advertising messages for profit. A billboard is an "off-premises" sign.
- 2.** Bulletin board means an announcement sign which directs attention to the name of the business or establishment, the goods or commodities produced and/or sold, and/or the services rendered on the premises upon which such sign is located, and is so designed that characters, letters or illustrations can be changed or rearranged without altering the basic face or surface of the sign.
- 3.** Business or professional means a sign which directs attention to the name of the business or establishment, the goods or commodities produced and/or sold, and/or the services rendered on the premises upon which such sign is located. A business or professional sign is an "on premises" sign.
- 4.** Development means a sign indicating the name of a subdivision or premises. Such sign may also display an address.
- 5.** Directory means a sign on which the names and locations of occupants and/or use of the building is given.
- 6.** Electronic message means a sign which displays only a text and/or numeric message utilizing internally illuminated components that enable the display to change periodically and is controlled by remote or automatic means.
- 7.** Governmental means a sign located or erected by a political subdivision pursuant to law and serving an official function such as traffic control.
- 8.** Nameplate means a sign indicating the name and/or address of the occupant of the premises.
- 9.** Real estate means a sign directing attention to the promotion, development, rental, sale, or lease of real property.
- 10.** Temporary means a sign intended to draw attention to a particular event or occurrence including but not limited to elections, sales and festivals.

B. Designs of Signs

- 1.** Flat or wall means a sign painted on or attached to and erected parallel to the face of, and erected and confined within the length and width of the outside wall of a building and supported by such wall and which displays only one (1) advertising surface or face. The sign shall not protrude more than six (6) inches from the building face.
- 2.** Ground or pylon means a sign supported by one (1) or more uprights, poles, braces or a permanent foundation and which is entirely independent of any building for support.
- 3.** Marquee sign means a permanent roof-like structure projecting beyond the wall of the building to which the sign is attached, generally at an entrance to a building, and designed and constructed to provide protection against the weather.
- 4.** Mobile means any portable sign or sign structure not securely or permanently attached to the ground or to a building.
- 5.** Projecting means a sign perpendicular to the vertical surface or plane of the exterior wall of a building to which such a sign is attached.
- 6.** Roof means a sign erected upon the roof of a building, all surfaces of which are located above the roof surface and do not project beyond any exterior wall of the building on which located.
- 7.** Window means a sign painted on, attached or affixed to the interior surface of a window or door of a building intended to be seen from the exterior.

601.00 GENERAL REQUIREMENTS FOR ALL SIGNS

A. The following regulations shall apply to all signs in all zoning districts:

- 1.** No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
- 2.** No sign shall be installed, erected or attached in any form, shape, or manner to a fire escape or any door or window providing access to any fire escape or exit.
- 3.** No sign or part thereof shall emit sound or be inflatable, contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.

B. In the Institutional, Restricted Industrial and Commercial Districts: Any illuminated sign or lighting device shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. Sign illumination requirements shall conform to Section 401.13.

C. Signs and support structures shall consist of weather resistant materials and shall be maintained in good repair and a safe condition so as to prevent rust, rot, peeling, flaking or fading. Broken or cracked sign faces or panels, missing letters, flaking or peeling paint, malfunctioning electrical or lighting components, and other visual damage or deterioration shall be repaired within thirty (30) days of the date that written notification is provided to the owner or lessee of the affected lot by the Zoning Inspector.

602.00 REMOVAL OF DAMAGED OR NONCONFORMING SIGNS

A. Should any sign be or become unsafe, unsightly, obsolete, or be in danger of falling, the owner or lessee of the real property upon which the sign is located shall, upon receipt of written notice from the Zoning Inspector, put such sign in a safe and secure condition or remove the sign within thirty (30) days from the date of such notice.

B. If the sign face of any nonconforming sign is damaged in excess of fifty percent (50%) as determined by the zoning inspector, then it shall only be reconstructed in accordance with this zoning resolution or any amendment thereto.

603.00 REMOVAL OF SIGNS

A. Any existing conforming or nonconforming sign which no longer relates to the building, structure or use of the affected premises and has become obsolete shall be completely removed within thirty (30) days from the date of written notification of same has been sent by the zoning inspector to the owner or lessee.

604.00 PROHIBITED SIGNS IN ALL DISTRICTS THE FOLLOWING SIGNS SHALL BE PROHIBITED IN ALL ZONING DISTRICTS:

A. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official governmental signs and/or approaching or merging traffic.

B. Signs which interfere with, imitate or resemble an official governmental sign, signal or device.

C. Signs illuminated so as to interfere with the effectiveness of or which obscure an official governmental sign, signal or device.

D. No sign shall be placed or project within any public right-of-way except governmental signs.

E. Roof signs.

F. Mobile signs.

G. No sign shall be erected on a public utility pole, unless it is a governmental sign or it relates to a public utility.

605.00 GOVERNMENTAL SIGNS EXEMPTED

A. Signs erected and maintained pursuant to or required by any law or governmental regulation shall be exempt from the provisions of this resolution.

606.00 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A ZONING CERTIFICATE

A. The following types and designs of signs may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in all zoning districts without a zoning certificate or fee but subject to the following limitations:

1. One (1) real estate sign per lot, dwelling unit or use with a maximum area of six (6) square feet per sign face which advertises the sale, lease or rental of the premises upon which such sign is located. There shall be a maximum of two (2) sign faces.
2. One (1) real estate development sign per subdivision with a maximum area of twenty-four (24) square feet per sign face which advertises the sale of lots in the subdivision upon which such sign is located. There shall be a maximum of two (2) sign faces.
3. One (1) nameplate sign per lot, dwelling unit, or use with a maximum area of four (4) square feet per sign face indicating the name and addresses of the owners or occupants of the premises. There shall be a maximum of two (2) sign faces.
4. Directional (entrance and exit) signs on private property with a maximum area of two (2) square feet per sign face and containing only directional information. There shall be a maximum of two (2) sign faces.
5. Temporary signs may only be erected with the permission of the owner of the affected lot or premises and shall adhere to all regulations of Section 601.00 and shall not require a zoning certificate and fee for the first sixty (60) consecutive days after such signs have been erected. After 60 days, the sign will no longer be considered temporary and it shall be completely removed from the affected lot. If not removed, the regulations of this article shall apply and a zoning certificate and fee shall be required. There shall be a maximum of two (2) sign faces and there shall be no more than two (2) temporary signs erected on a lot. The regulations herein do not apply to temporary signs containing a noncommercial message relating to a candidate for public office or a public referendum issue. A temporary shall not be permanently affixed to the ground by one (1) or more uprights, poles, or braces, to a permanent foundation or to a building.
6. One (1) development sign per subdivision or premises with a maximum area of thirty-two (32) square feet per sign face. Such sign shall be maintained by the owner of the real property upon which the sign is located. There shall be a maximum of two (2) sign faces.
7. Window signs.

B. No zoning certificate or fee shall be required for the change of content or subject matter of a sign provided that there is no size, structural or design alteration of said sign.

607.00 SIGNS PERMITTED IN THE RESIDENTIAL ZONING DISTRICT (SEE ALSO SECTION 606.00)

A. Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:

1. Each use in a residential district may be permitted only one (1) of the following:
on the lot: wall or ground.

a. Wall signs shall have a maximum area of four (4) square feet.

b. Ground signs shall have a maximum area of four (4) square feet per sign face.

B. Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in a residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:

1. Professional or home occupation signs shall have a maximum area of four (4) square feet per sign face with a maximum of one (1) sign on a lot.

2. Bulletin board signs shall have a maximum area of eight (8) square feet per sign face with a maximum of one (1) sign on a lot.

C. No sign shall be illuminated by electricity, gas, phosphorescent, or other artificial light, including reflecting light, in any residential zoning district.

608.00 SIGNS PERMITTED IN THE COMMERCIAL, INSTITUTIONAL AND RESTRICTED INDUSTRIAL ZONING DISTRICTS (SEE ALSO SECTION 605.00A)

A. Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial, institutional and restricted industrial zoning districts upon the issuance of a zoning certificate and subject to the following limitations:

1. Each commercial, institutional or restricted industrial use may be permitted one (1) of the following signs on the lot: wall, projecting or marquee signs.

a. Wall signs shall have a maximum area of fifty (50) square feet.

b. Projecting signs shall have a maximum area of sixteen (16) square feet per sign face and shall not extend more than five (5) feet, measured from the face of the building to which such sign is attached.

c. Marquee signs shall have a maximum area of sixty (60) square feet per sign face and shall not extend more than thirteen (13) feet measured from the face of the building to which such sign is attached.

2. In addition to a wall, projecting, or marquee sign each commercial, institutional or restricted industrial use may be permitted one (1) ground or pylon sign on the premises. Such sign shall not exceed twenty-five (25) square feet per sign face in area.

3. In lieu of the permitted ground or pylon sign in paragraph two 2 above, one (1) or more groups of commercial, institutional or restricted industrial uses within the same building or structure, or located on the same lot, may be permitted one (1) directory sign for all uses. Such signs shall have a maximum area of fifty (50) square feet per sign face.

B. Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial, institutional and restricted industrial zoning districts upon the issuance of a zoning certificate and subject to the following regulations:

1. Bulletin board signs shall have a maximum area of sixteen (16) square feet per sign face with a maximum of one (1) sign on a lot.

2. Business or professional signs shall have a maximum area of sixteen (16) square feet per sign face with a maximum of one (1) sign on a lot.

3. Directory signs shall have a maximum area of twenty-five (25) square feet per sign face with a maximum of one (1) sign on a lot.

609.00 MEASUREMENT OF SIGN AREA

A. The surface or face of a sign shall be computed as including the entire area within a regular, geometric form of combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not displaying advertising matter shall not be included in computation of surface area.

610.00 MEASUREMENT OF SIGN HEIGHT

A. The height of a sign shall be measured from the average finished grade level adjacent to the base of the sign and vertically to the highest point of such sign, including frames and structural members.

611.00 MAXIMUM HEIGHT REQUIREMENTS

A. Projecting and wall signs shall not exceed the height of the wall face to which such signs are attached.

B. Ground signs shall have a maximum height of six (6) feet and shall be no taller than the distance from its base to the nearest lot line.

612.00 MINIMUM YARD REQUIREMENTS

A. Ground signs shall have a minimum setback of forty (40) feet from the street center line or side lot line on a corner lot. The minimum side and rear yard setbacks shall be five (5) feet unless adjacent to a residential zoning district; in which case the minimum side and rear yard setbacks shall be twenty (20) feet.

B. No part of any sign or supporting structure shall protrude into the above setback area.

613.00 BILLBOARDS

A. Conditional Zoning Certificate Required

1. A billboard is an off-premises outdoor advertising sign and shall be classified as a conditional use and shall be subject to the procedures and general conditions set forth in Article 7. No billboard shall be located, erected, constructed, reconstructed, enlarged or altered without first obtaining a conditional zoning certificate in accordance with this resolution. Alterations shall not include changing the content or elements of the sign face, or ordinary maintenance of structural components such as painting, and shall not require the issuance of a conditional zoning certificate.

2. A billboard shall be classified as a business use and may be allowed in any C or I District or on land used for agricultural as defined in this resolution. Billboards shall be prohibited in all other zoning districts.

B. Conditions

1. No application for a conditional zoning certificate shall be approved for a billboard and a conditional zoning certificate issued therefor unless it complies with all of the following conditions. Each billboard shall be subject to the issuance of a separate conditional zoning certificate.

a. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in one direction.

b. There shall not be more than one (1) billboard structure with a maximum of two (2) sign faces on a lot.

c. A billboard shall be the principal use of the lot on which it is located.

d. The sign face area of a billboard shall be included in determining the maximum allowable signage on a lot for the zoning district in which it is located.

- e.** Billboards shall be spaced a minimum of two thousand five hundred (2,500) feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the township, where the affected road extends beyond such boundaries.
- f.** A billboard shall be located a minimum of fifty (50) feet from any residential zoning district boundary. The setback shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.
- g.** A billboard shall be located a minimum of fifty (50) feet from the right-of-way of the road, an existing residential dwelling, a church or place of worship, a cemetery, a school, a public park or playground, a public library or a day care center. The setback shall be measured from the nearest lot line to the nearest portion of a billboard.
- h.** A billboard shall be located a minimum of fifty (50) feet from the right-of-way of the road. The setback shall be measured from the right-of-way line to the nearest portion of the billboard.
- i.** A billboard shall be setback a minimum of twenty (20) feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
- j.** A billboard shall be setback a minimum of fifty (50) feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.
- k.** A billboard shall be setback a minimum of fifty (50) feet from the center of the road from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
- l.** A billboard shall be setback a minimum of forty (40) feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of the billboard.
- m.** The maximum height of a billboard shall be thirty-five (35) feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.
- n.** The maximum sign face of a billboard shall be two hundred (200) square feet.
- o.** No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.

- p.** A billboard shall not project over a driveway.
- q.** A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ lighting of a constant intensity. Flashing, rotating or oscillating lighting shall be prohibited. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device or signal. See Section 401.13 for Exterior Lighting requirements.
- r.** A billboard shall not employ any elements which emit sound, revolve, whirl, spin or otherwise make use of motion.
- s.** The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.
- t.** A billboard shall be included in determining the maximum coverage of buildings and structures on a lot for the zoning district in which it is located.
- u.** A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Flood Insurance Rate Maps of Geauga County.
- v.** A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.
- w.** The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.
- x.** Billboard sign faces shall be neatly painted or posted at all times and the billboard structure shall be kept in a safe state of repair.

614.00 ELECTRONIC MESSAGE SIGNS

- A.** An electronic message sign is a ground sign that may be permitted in the Restricted Industrial and General Commercial Zoning Districts.
- B.** The maximum area shall be thirty two (32) square feet per sign face and the electronic message portion shall not exceed seventy five (75) percent of the total area of the sign face; not more than one (1) such sign is permitted on a lot. There shall be a maximum of two (2) sign faces.
- C.** The minimum front yard setback and the minimum side yard setback on a corner lot shall be forty (40) feet from the centerline of the road right-of-way.
- D.** The minimum side and rear yard setbacks shall be five (5) feet unless the sign is adjacent to a residential zoning district; in which case the minimum side and rear yard setbacks shall be twenty (20) feet.

- E. The maximum height shall be ten (10) feet.
- F. The static electronic message shall be displayed for a minimum of ten (10).
- G. The electronic message shall not include any image that moves, including animated, flashing, scrolling, intermittent or full motion elements of illumination.
- H. If a malfunction occurs, the default design shall be to freeze the message or cause it to go dark.
- I. The intensity of the electronic message shall be capable of being adjusted to avoid excessive glare on adjacent lots or road right-of-ways.

ARTICLE 7

CONDITIONAL USES

700.00 CONDITIONAL ZONING CERTIFICATE REQUIRED

A. No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure nor shall any building, structure or real property be changed in use that is classified as a conditional use within the territory included in this zoning resolution without obtaining a conditional zoning certificate and no such zoning certificate shall be issued unless the plans for the proposed building, structure, or use fully comply with this zoning resolution.

B. Pursuant to O.R.C. Section 519.14(C), the Board of Zoning Appeals shall only consider applications for conditional uses that are specifically set forth in this resolution.

701.00 CONTENTS OF APPLICATION FOR A CONDITIONAL ZONING CERTIFICATE

A. Written application for a conditional zoning certificate shall be made on forms provided by the township Zoning Inspector and approved by the Board of Trustees, and shall be signed and dated by the owner, the applicant, or his authorized representative, attesting to the truth and accuracy of all information supplied in the application.

B. All applications for conditional zoning certificates shall contain the following language: The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000.00), or both.

C. All completed applications for a conditional zoning certificate shall be submitted to the township Zoning Inspector and shall include, at a minimum, the information requested in the application form. The application fee shall be submitted with the application form. The Zoning Inspector and the Board of Zoning Appeals may require such additional information as may be necessary to ensure compliance with the applicable provisions of this resolution.

702.00 TRANSMITTAL OF APPLICATION TO BOARD OF ZONING APPEALS

A. Within seven (7) days after the receipt of a completed application for a conditional zoning certificate, the township zoning inspector shall transmit said application to the secretary of the board of zoning appeals or to the chairman of the board of zoning appeals, if the secretary is unavailable.

703.00 MEETING OF BOARD OF ZONING APPEALS

A. The chairman of the board of zoning appeals shall fix a reasonable time for a public hearing to consider the application for a conditional zoning certificate which shall commence not later than sixty (60) days from the date that said application was received

by the chairman or secretary. The hearing on the application may be continued from day to day for good cause shown.

B. The board of zoning appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted; notice of any continued public hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.

704.00 ACTION BY BOARD OF ZONING APPEALS

A. Hearings and decisions before the board of zoning appeals shall be conducted in accordance with Article 9 of this resolution.

B. One (1) copy of the plans submitted with the application shall be returned to the applicant by the board of zoning appeals after said copy has been marked either approved or disapproved, dated, and attested to by the signature of the chairman or the secretary of the board of zoning appeals. One (1) copy of the plans so marked shall be retained by the board of zoning appeals for its permanent records.

C. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in O.R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to O.R.C. Chapter 2506.

705.00 ISSUANCE OF CONDITIONAL ZONING CERTIFICATE

A. Upon receiving written notice of the approval of an application for a conditional zoning certificate as provided by Article 7, the Zoning Inspector shall issue a conditional zoning certificate to the applicant.

706.00 GENERAL CONDITIONS FOR CONDITIONAL ZONING CERTIFICATE

A. All conditional zoning certificates shall contain the following conditions, in addition to those specifically required by other sections of the zoning resolution and those required by the Board of Zoning Appeals.

1. A conditional zoning certificate shall not be transferred or assigned.

2. A conditional zoning certificate shall be issued for a period not to exceed three (3) years. Application for the renewal of such certificate shall be made sixty (60) days prior to the expiration of such certificate. A conditional zoning certificate shall become void upon a change of ownership or lease of the premises, and shall be revoked unless a new application for such certificate is made by the new owner or lessee within fifteen (15) days of the date of transfer or lease.

707.00 REVOCATION OF CONDITIONAL ZONING CERTIFICATE

A. A conditional zoning certificate shall be revoked by the Zoning Inspector if:

- 1.** The conditional zoning certificate has been issued in error.
- 2.** The conditional zoning certificate was issued based upon a false statement by the applicant.
- 3.** The construction or use described in the conditional zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance.
- 4.** The conditional use described therein is voluntarily discontinued for a period of two (2) years or more.
- 5.** A new conditional zoning certificate has not been obtained upon a change in ownership or lessee of the affected lot or premises pursuant to Section 706.00(A)(2).

B. Any failure to comply with the conditions approved by the Board of Zoning Appeals for the issuance of a conditional zoning certificate shall constitute a revocation of such certificate.

708.00 PROCEDURE FOR REVOCATION OF CONDITIONAL ZONING CERTIFICATE

A. The Zoning Inspector shall notify the holder of the conditional zoning certificate by certified mail (return receipt requested) of his/her decision to revoke said certificate and the holder's right to a hearing before the board of zoning appeals, within thirty (30) days of the date of the notice, if the holder so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Zoning Inspector may revoke the certificate without a hearing. The authority to revoke a certificate is in addition to any other means of zoning enforcement provided by law.

B. When a conditional zoning certificate has been declared revoked by the Zoning Inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the conditional zoning certificate. Such notice shall set forth the reason(s) for the revocation of the conditional zoning certificate. Such notice shall also include a statement that all construction upon or use of the building, structure or land described in the conditional zoning certificate shall cease unless and until a new conditional zoning certificate has been issued.

709.00 GENERAL STANDARDS FOR CONDITIONAL USES

A. In addition to the specific requirements for conditional uses specified in Article 4 of this resolution, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards:

- 1.** The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site.
- 2.** The proposed roads and other means of ingress and egress are of adequate width and condition to accommodate expected vehicular traffic to be generated by the proposed use and are reasonably constructed to permit access by firefighting, police, ambulance and other safety vehicles and will not interfere with traffic on adjacent thoroughfares. A traffic impact study by a qualified traffic engineer may be required.
- 3.** The size and number of proposed off-street parking spaces and loading/unloading spaces (if applicable) are adequate and are in accordance with the provisions of Article 5 of this resolution.
- 4.** The type, size, location and number of proposed signs are in accordance with the provisions of Article 6 of this resolution.
- 5.** The proposed use will be compatible with the Township Land Use Plan.
- 6.** The proposed use will not be hazardous or disturbing to existing neighboring uses.
- 7.** The proposed use will be served adequately by essential public facilities including roads, police and fire protection, drainage structures, refuse disposal, water and sewage disposal facilities, and schools, or that the applicant shall be able to adequately provide such services. Proof of compliance with applicable codes and regulations pertaining to the protection of public health and safety including fire, sanitary sewage, water supply, erosion control, and stormwater runoff may be required.
- 8.** The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 9.** The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare.
- 10.** The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

ARTICLE 8

NONCONFORMING BUILDINGS, STRUCTURES, AND USES

800.00 NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND

A. A new zoning certificate must be obtained for all changes to existing nonconforming uses.

B. The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of the effective date of this resolution or any amendment thereto, may be continued, although such use does not conform with this resolution or amendment, but if any such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of said land shall be in conformity with the provisions of this resolution or amendment thereto.

C. No lawful non-conforming building or structure may be enlarged, altered or relocated in a way which increases its non-conformity, but any building, structure or portion thereof, may be altered, enlarged or relocated to decrease its non-conformity.

D. If a lawful nonconforming use is changed to or replaced by a conforming use, the building, other structure or lot previously devoted to such lawful nonconforming use shall thereafter be occupied and used only for a conforming use in accordance with all the use regulations of a district in which such building, other structure or lot is located. Intent to resume active operations shall not affect the foregoing.

801.00 REASONABLE TERMS

A. The repair or replacement, restoration, extension, completion, maintenance, reconstruction or substitution of nonconforming uses shall be considered upon such reasonable terms as set forth in this resolution.

802.00 REPAIR OR REPLACEMENT AND RECONSTRUCTION

A. If a building or structure occupied by a nonconforming use is damaged or destroyed by any cause, the owner shall have the right to rebuild so long as the size, appearance and operation are not extended in any manner whatsoever. The right to rebuild shall remain for a two (2) year period from the date of such destruction. If not completed within a two (2) year period, such nonconforming use shall terminate immediately.

B. The repair of such damaged building or structure shall be completed within one (1) year of the date of the actual damage and destruction, or of the date such building or structure is lawfully determined to be obsolete.

C. Should a building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

803.00 EXTENSION OF NONCONFORMITY IS PROHIBITED

- A.** No lawful nonconforming building or structure may be enlarged, altered or relocated in a way which increases its nonconformity, but any building, structure or portion thereof, may be altered or relocated to decrease its nonconformity.
- B.** No lawful nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the time of the effective date of this resolution or any amendment thereto.
- C.** No lawful nonconforming use shall be moved in whole or in part to any portion of the lot or property other than that occupied by such uses at the time of the effective date of this resolution or any amendment thereto.
- D.** No additional building or structure not conforming to the requirements of this resolution or any amendment thereto shall be erected in connection with such nonconforming use of land.
- E.** Any nonconforming use may be extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the time of the effective date of this resolution or any amendment thereto, but no such use shall be extended to occupy any land outside such building or structure.
- F.** Any building or structure, or building or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use shall not thereafter be resumed.

804.00 MAINTENANCE AND RESTORATION OF NONCONFORMING BUILDINGS OR STRUCTURES

- A.** On any nonconforming building or structure, or portion of a building or structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing.
- B.** Nothing in the Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building, structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- C.** Structural alterations may be made to a building or other structure containing a non-conforming use as follows:
 - 1.** When required by law.
 - 2.** To convert to a conforming use.
 - 3.** A building or other structure containing residential non-conforming uses may be so altered as to improve interior livability. However, no building or structure alterations shall be made that do not comply with the floor area, height or yard regulations of the district in which such building or structure is located.

805.00 COMPLETION OF NONCONFORMING BUILDINGS OR STRUCTURES

A. The construction of any dwelling, building or structure which commenced prior to the effective date of this resolution or amendment thereto, and for which a zoning certificate has been lawfully obtained, may be continued and completed, although such use does not conform with this resolution or amendment. Construction is hereby defined as the placing of construction materials in permanent position and fastened in a permanent manner. Construction must be completed within two (2) years of the effective date of this resolution or amendment thereto for the building or structure to be a lawful nonconforming use as provided in Section 800.00 of this resolution.

B. A building or structure shall be deemed complete for purposes of this section only upon issuance of an occupancy permit by the appropriate building authority.

806.00 SUBSTITUTION OF NONCONFORMING USES

A. A nonconforming use may be substituted for a lawful nonconforming use, as listed in Article 4 of the Claridon Township Zoning Resolution, provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic or in the number of persons using the property, and subject to approval by the Zoning Board of Appeals.

807.00 NONCONFORMING LOT OF RECORD

A. In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area, lot frontage or lot width less than the minimum prescribed herein, which meets all of the following:

- 1.** It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.
- 2.** It is in conformity with all the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.
- 3.** The amount of nonconformity has not been increased since it became nonconforming.
- 4.** It complies with all other regulations set forth herein, except minimum lot area, minimum lot frontage, and minimum lot width.

ARTICLE 9

ADMINISTRATION

900.00 TOWNSHIP ZONING INSPECTOR

900.01 POSITION OF TOWNSHIP ZONING INSPECTOR ESTABLISHED

- A.** For the purpose of enforcing these zoning regulations the position of township zoning inspector is hereby established; and the board of township trustees may establish the position(s) of assistant township zoning inspector(s).
- B.** The board of township trustees shall fill the position of township zoning inspector, together with such assistants as the board from time to time deems necessary, fix the compensation for such positions, and make disbursements for them.

900.02 ZONING INSPECTOR'S BOND

- A.** The township zoning inspector and any assistant, before entering upon the duties of his/her office, shall be bonded in accordance with the O.R.C. Section 519.161 or be subject to coverage under an insurance policy or other coverage document pursuant to O.R.C. Section 3.061.

900.03 DUTIES OF TOWNSHIP ZONING INSPECTOR

- A.** It shall be the duty of the township zoning inspector to enforce the zoning regulations contained in this resolution, and thus in order to fulfill said duty, the township zoning inspector shall:
- 1.** Provide applications for zoning certificates to those persons who wish to apply for a zoning certificate.
 - 2.** Receive and act upon applications for zoning certificates in accordance with Article 10 of this resolution.
 - 3.** Issue zoning certificates as permitted by the terms of this resolution.
 - 4.** Revoke zoning certificates as permitted by the terms of this resolution.
 - 5.** Receive and act upon complaints regarding violations of this resolution in accordance with Section 1006.00.
 - 6.** Make inspections as required to fulfill his/her duties.
 - 7.** Upon finding that any provision of this resolution is being violated, he/she shall notify, in writing, the person responsible for such violation, ordering the action to correct such violation.

8. Take any other action authorized by this resolution or by law to ensure compliance with or to prevent violations of this resolution.

9. Safely keep an official record of all actions taken in fulfillment of the duties imposed on him/her by this zoning resolution; and, safely keep all documents, including applications, complaints, zoning certificates, reports and inspections which are received, issued or made in connection with his/her duties as zoning inspector. All such records and documents shall be indexed by name, address and date and kept in an orderly fashion and shall be open to public inspection. Copies of any of these records and documents shall be provided to any member of the public upon payment of a copying fee as established by the board of township trustees. None of the records or documents so kept shall be destroyed except upon compliance with O.R.C. 149.42.

10. Receive for filing and note the date of filing of notices of appeal to the board of zoning appeals as provided in O.R.C. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the township zoning inspector.

11. Upon receipt of a notice of appeal to the board of zoning appeals, the zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.

12. Safely keep and deposit all fees and monies received by him/her with the Township Fiscal Officer within twenty-four (24) consecutive hours of receipt pursuant to O.R.C. 117.17.

13. Review proposed preliminary major subdivision plans and final major subdivision plats pursuant to O.R.C. Section 711.10 and the "Subdivision Regulations of Geauga County, Ohio" and sign and date the original mylar of such plans or plats to ensure proof of compliance with the applicable provisions of this resolution.

14. Review proposed divisions of land that are not subject to platting and consolidations of lots of record pursuant to the "Subdivision Regulations of Geauga County, Ohio" and sign and date the survey plat with the appropriate language thereon to ensure proof of compliance with the applicable provisions of this resolution.

901.00 TOWNSHIP ZONING COMMISSION

901.01 TOWNSHIP ZONING COMMISSION CREATED

A. The board of township trustees has created and established a township zoning commission composed of five (5) members who reside in the unincorporated area of the township and the board may appoint two (2) alternate members in accordance with O.R.C. Section 519.04.

B. The terms of all members of said Township Zoning Commission shall be of such length and so arranged that the term of one (1) member will expire each year.

C. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

D. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

E. An alternate member shall take the place of a regular member at any meeting of the Zoning Commission. Alternate members of the Zoning Commission are expected to attend all meetings of the Commission even when they are not filling a vacancy. At such times, their status as an active or inactive member shall be made clear to all attending the meeting. If a regular member fails to appear, or appears following the start of a meeting, then the alternate member shall fill the vacancy of the regular member immediately, but not before, the start of the meeting and all related continuance meetings. The start of the meeting begins at the call of the chairman of the Zoning Commission. The chairman shall preside over all meetings. In the absence of the chairman, the vice chairman shall preside. An alternate shall not preside over a meeting of the Zoning Commission.

901.02 RECOMMENDATIONS OF TOWNSHIP ZONING COMMISSION; ORGANIZATION, POWERS AND COMPENSATION OF COMMISSION

A. The zoning commission may, within the limits of the moneys appropriated by the board of township trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary. The zoning commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the zoning commission may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide. No township trustee shall be employed by the zoning commission of his/her township.

B. The zoning commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the zoning commission.

C. The zoning commission may initiate and/or review proposed amendments to this resolution and make recommendations on same to the board of township trustees as specified in Article 11.

902.00 TOWNSHIP BOARD OF ZONING APPEALS

902.01 TOWNSHIP BOARD OF ZONING APPEALS CREATED

A. Pursuant to R. C. 519.13, the board of township trustees shall appoint a township board of zoning appeals for said township, composed of five (5) members who shall be residents of the unincorporated territory in the township included in the area zoned. The board of

township trustees may also appoint two (2) alternate members to the board of zoning appeals in accordance with O.R.C. 519.13.

B. The terms of all regular members of said board of zoning appeals, shall be of such length and so arranged that the term of one (1) member will expire each year.

C. Each member shall serve until his/her successor is appointed and qualified. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide.

D. The board of zoning appeals may, within the limits of the monies appropriated by the board of township trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

902.02 POWERS OF TOWNSHIP BOARD OF ZONING APPEAL

A. The township board of zoning appeals may:

1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of sections 519.02 to 519.25 of the O.R.C. or of this resolution.

2. Authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done.

3. Grant conditional zoning certificates for the use of land, buildings, or other structures in accordance with this resolution.

4. In exercising the above-mentioned powers, the township board of zoning appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all the powers of the township zoning inspector from whom the appeal is taken.

902.03 RULES, ORGANIZATION, AND MEETINGS OF BOARD OF ZONING APPEALS

A. The township board of zoning appeals shall organize and adopt rules in accordance with this zoning resolution. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board of zoning appeals determines. The chairman, or in his/her absence the acting chairman, may administer oaths, and the board of zoning appeals may compel the attendance of witnesses. All meetings of the board of zoning appeals shall be open to the public. The board of zoning appeals shall keep

minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of township trustees and be a public record.

B. The attendance of three (3) members of the board of zoning appeals is required for a quorum.

C. All decisions, motions, and actions of the board of zoning appeals shall be by the affirmative vote of at least three (3) members of the board.

D. If the board of township trustees appoints alternate members of the board of zoning appeals in accordance with O.R.C. Section 519.13, the two (2) alternates shall be identified as first and second alternate indicating the order in which they shall fill vacancies on the board of zoning appeals. When filling a vacancy created by an absent or a regular member, the alternate member shall be subject to all of the responsibilities of a regular member pursuant to any adopted bylaws of the board of zoning appeals. Alternates are expected to attend all meetings and public hearings of the board of zoning appeals even when that are not filling a vacancy. At such times, their status as an active or inactive alternate member shall be made clear to all in attendance at a meeting or hearing. If a regular member fails to appear, or appears following the start of the meeting or hearing, then the alternate member shall fill the vacancy of the regular member immediately, but not before, the start of the meeting or hearing and all continuance meetings or hearings. The start of the meeting or hearing begins with the call to order by the chairman of the board of zoning appeals. The chairman shall preside over a meeting or hearing. In the absence of the chairman, the vice chairman shall preside. At no time shall an alternate preside over a meeting or hearing of the board of zoning appeals.

902.04 PROCEDURES OF BOARD OF ZONING APPEALS

A. Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the zoning inspector. Such appeal shall be taken within twenty (20) days after the decision of the zoning inspector by filing, with the zoning inspector and with the board of zoning appeals, a notice of appeal specifying the grounds of appeal. The zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.

B. Written notices of appeal shall be made on forms provided by the township zoning inspector and approved by the Board of Trustees, and shall be signed and dated by the appellant or his/her authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

C. All notices of appeal shall contain the following language: The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000.00) or both.

D. All completed notices of appeal shall be filed with the township zoning inspector and the board of zoning appeals and shall include, at a minimum, the information requested in the application form. The application fee shall be submitted with the application form. The Zoning Inspector and the Board of Zoning Appeals may require such additional information as may be necessary to ensure compliance with the applicable provisions of this resolution.

1. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his/her authorized representative relative to the alleged error made by the zoning inspector in his/her determination of the application for the zoning certificate.

2. For notices of appeal requesting a variance, the appellant or his/her authorized representative shall provide a statement relative to the exact nature of the variance requested and the specific zoning regulation(s) shall be cited from which a variance is requested. Written justification for a variance shall be made by the appellant and the board of zoning appeals shall determine if the proposed variance involves an "area" variance or a "use" variance.

a. Standards for an "area" variance:

1. The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following:

(1) Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance.

(2) Whether the variance is substantial.

(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining lots would suffer a substantial detriment as a result of the variance.

(4) Whether the variance would adversely affect the delivery of governmental services.

(5) Whether the property owner purchased the lot with the knowledge of the zoning restriction.

(6) Whether the lot owner's predicament feasibly can be obviated through some method other than a variance.

(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

2. Standards for a "use" variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following:

- (1) The variance requested stems from a condition which is unique to the lot at issue and not ordinarily found in the same zone or district;
- (2) The hardship condition is not created by actions of the applicant;
- (3) The granting of the variance will not adversely affect the rights of adjacent owners;
- (4) The granting of the variance will not adversely affect the public health, safety or general welfare.
- (5) The variance will be consistent with the general spirit and intent of the zoning resolution.
- (6) The variance sought is the minimum which will afford relief to the applicant.
- (7) There is no other economically viable use which is permitted in the zoning district.

E. The board of zoning appeals shall fix a reasonable time for public hearing of the appeal which shall commence not later than sixty (60) days from the date the notice of appeal has been filed with the board. The public hearing on the appeal may be continued from day to day for good cause shown.

F. The board of zoning appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Notice of any continued public hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.

G. Hearings before the board of zoning appeals shall be conducted in accordance with the following:

1. Any person may appear in person or be represented by an attorney.
2. All testimony and evidence received by the board shall be given under oath or affirmation administered by the chairman or in his/her absence the acting chairman of the board of zoning appeals.
3. A party in interest shall be allowed:
 - (1) To present his/her position, arguments and contentions;
 - (2) To offer and examine witnesses and present evidence in support thereof;
 - (3) To cross-examine witnesses purporting to refute his/her position, arguments and contentions;
 - (4) To offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions;

(5) To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.

4. The board of zoning appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.

5. An accurate record of the proceedings shall be kept and preserved by the board of zoning appeals.

H. Decisions of the board of zoning appeals shall be in accordance with the following:

1. All decisions shall include findings of fact and conclusions of law of the board in support of the decision.

2. A decision of the board and the adoption of findings of fact and conclusions of law shall be made at a public meeting of the board. The decision and the findings of fact and conclusions of law of the board shall be in writing and signed at a public meeting of the board by all members voting affirmatively thereon no later than forty-five (45) days from the last date of public hearing.

3. The original written decision and findings of fact and conclusions of law of the board of zoning appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by the board of zoning appeals with the Township Fiscal Officer within five (5) days of the signing of the written decision and findings of fact and conclusions of law by the board of zoning appeals.

4. Copies of the written and signed decision of the board of zoning appeals shall be sent by ordinary mail, within five (5) days of the signing of the written decision, to the township zoning inspector and the appellant.

5. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in O.R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to O.R.C. Chapter 2506.

902.05 Supplementary Conditions on Variances

A. The board of zoning appeals, in deciding any appeal for a variance, may provide such supplementary conditions which are reasonably related to the requested variance and are not in conflict with, and are specifically authorized by, this resolution and which the board deems necessary to protect the public health, safety, morals and general welfare. Any such supplementary conditions shall be made a part of the board of zoning appeals' proceedings and shall be incorporated into the final decision by the board approving a variance. Violation of such supplementary conditions, which are made a part of the written decision of the board, shall be deemed a violation of this resolution.

ARTICLE 10

ENFORCEMENT

1000.00 ZONING CERTIFICATE OR STATEMENT OF EXEMPTION FOR AGRICULTURAL USE REQUIRED

A. No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure nor shall any building, structure, or real property be changed in use within the territory included in this zoning resolution without obtaining a zoning certificate and no such zoning certificate shall be issued unless the plans for the proposed building, structure or use fully comply with this zoning resolution.

B. A Statement of Exemption for Agricultural Use should be completed by the applicant for agricultural uses. (See Section 1002.00)

C. No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure:

- 1.** To provide for greater height or bulk than herein required, or in any other manner contrary to the provisions of this resolution.
- 2.** To accommodate or house a greater number of families than herein required, or in any other manner contrary to the provisions of this resolution.
- 3.** To occupy a greater percentage of lot area than herein required, or in any other manner contrary to the provisions of this resolution.
- 4.** To have narrower or smaller front yards, side yards, rear yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this resolution.

D. No lot or yard existing at the time of the effective date of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of this resolution shall meet at least the minimum requirements set forth herein. A lot of record may be divided or consolidated so as to make it more conforming; however, a lot of record shall not be divided or consolidated so as to make it less conforming with the regulations in this resolution or any amendment thereto.

E. A lot shall have frontage on a road and shall be in conformity with all of the minimum area, frontage, width, setbacks (required yards) and other applicable regulations contained in this resolution or any amendment thereto in effect at the time of its recording with the county recorder.

1001.00 CONTENTS OF APPLICATION FOR A ZONING CERTIFICATE

A. Written application for a zoning certificate shall be made on forms provided by the township zoning inspector and approved by the Board of Trustees, and shall be signed and dated by the owner, the applicant, or his/her authorized representative attesting to the truth and accuracy of all information supplied in the application.

B. All applications for zoning certificates shall contain the following language: The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000.00), or both.

C. All completed applications for a zoning certificate shall be submitted to the township zoning inspector and shall include, at a minimum, the information requested in the application form. The application fee shall be submitted with the application form. The Zoning Inspector may require such additional information as may be necessary to ensure compliance with the applicable provisions of this resolution.

1002.00 A STATEMENT OF EXEMPTION FOR AGRICULTURAL USE

A. A statement of exemption for agricultural use shall be on a form provided by the zoning inspector and contain the following:

- 1.** The name, signature, address and telephone number of the applicant or owner
- 2.** The address of the property, if different from the applicant's current address.
- 3.** A description of the proposed use of the property.

B. No fee is required.

1003.00 ACTION BY TOWNSHIP ZONING INSPECTOR ON APPLICATION FOR ZONING CERTIFICATE

A. Within thirty (30) days after the receipt of an application for a zoning certificate, the Township Zoning Inspector shall either approve the application and issue a Zoning Certificate or disapprove the application in conformity with the provisions of this Zoning resolution.

B. In case of disapproval of an application, the applicant shall be informed of such disapproval in writing by the Township Zoning Inspector. The zoning regulation(s) violated shall be cited, as well as the applicant's right to appeal to the Township Board of Zoning Appeals in accordance with Article 9 of this resolution.

C. One (1) copy of the plans submitted with the application shall be returned to the applicant by the Township Zoning Inspector, after the Zoning Inspector has marked said copy either "approved" or "disapproved" and attested to the same by his signature and date on said copy. One (1) copy of the plans so marked shall be retained by the Zoning Inspector for his permanent records.

1004.00 SUBMISSION TO DIRECTOR OF OHIO DEPARTMENT OF TRANSPORTATION

A. Upon receipt of an application for a zoning certificate or a conditional zoning certificate affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to the board of township trustees and township zoning inspector by the director of transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the zoning inspector shall give notice, by registered or certified mail to the director of transportation.

B. The zoning inspector shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the director. If the director of transportation notifies the zoning inspector that he/she has purchased or has initiated proceeding to appropriate the land which is the subject of the application, then the zoning inspector shall refuse to issue the zoning certificate. If the director notifies the zoning inspector that he/she has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the director and the property owner, the zoning inspector shall act upon the application in accordance with the provisions of this resolution.

1005.00 REVOCATION OR REISSUANCE OF ZONING CERTIFICATE

A. A zoning certificate shall be revoked by the zoning inspector if:

- 1.** The zoning certificate has been issued in error by the zoning inspector.
- 2.** The zoning certificate was issued based upon a false statement by the applicant.
- 3.** The construction or use described in the zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance.

B. When a zoning certificate has been declared revoked by the zoning inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the zoning certificate. Such notice shall set forth the reason(s) for the revocation of the zoning certificate as well as the applicant's right to appeal to the township board of zoning appeals in accordance with Article 9 of this resolution. Such notice shall also include a statement that all construction upon or use of the building, structure, or land described in the zoning certificate shall cease unless and until a new zoning certificate has been issued.

C. A zoning certificate may be reissued by the Zoning Inspector if construction has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the

date of issuance if all terms of the approved zoning certificate application and site plan are unchanged and remain in full compliance with the current zoning resolution in effect. The reissuance of a zoning certificate requires resubmission of an application and site plan with a supplemental written statement signed by the applicant that no changes have been made to the original application and site plan as approved. No fee shall be required for the reissuance of a zoning certificate pursuant to this provision.

1006.00 COMPLAINTS REGARDING VIOLATIONS

A. Whenever an alleged violation of this resolution occurs any person may file a written complaint, that has been signed and dated by the complainant, on the appropriate form with the zoning inspector. Such complaint shall state the nature of the complaint and the regulation violated. The zoning inspector shall keep records of such complaints and shall investigate within thirty (30) days from the date such complaint was filed or within such extended time period as may be necessary to fulfill the requirements of this resolution.

1007.00 PROHIBITION AGAINST VIOLATING ZONING RESOLUTION

A. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this resolution, or any amendment to this resolution. Each day's continuation of a violation of this resolution may be deemed a separate offense.

1008.00 ACTION TO PREVENT VIOLATIONS OF ZONING REGULATIONS

A. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of sections 519.01 to 519.99 inclusive of the O.R.C. or of any regulation or provision adopted by the board of township trustees under such sections, such board, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

ARTICLE 11

AMENDMENTS

1100.00 PROCEDURE FOR AMENDMENTS TO ZONING RESOLUTION

A. The procedure for amendments to the zoning resolution shall be in accordance with O.R.C. Section 519.12.

B. Amendments to this zoning resolution may be initiated as follows:

- 1.** By motion of the Zoning Commission.
- 2.** Passage of a resolution therefor by the Board of Township Trustees.
- 3.** By the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Zoning Commission.

1101.00 CONTENTS OF APPLICATION FOR A ZONING AMENDMENT

A. Application for amendments to the zoning resolution shall be made on forms approved by the Board of Trustees, provided by the Zoning Inspector, township zoning commission or its secretary. All applications shall contain the following language: The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000.00), or both.

All completed applications for a zoning amendment shall be submitted to the township zoning commission and shall include, at a minimum, the information requested in the application form. The application fee shall be submitted with the application form. The zoning commission may require such additional information as may be necessary to ensure compliance with the applicable provisions of this resolution.

1102.00 SUBMISSION TO DIRECTOR OF OHIO DEPARTMENT OF TRANSPORTATION

A. The board of township trustees shall not adopt a zoning amendment for one hundred twenty (120) days from the date the notice is received by the director. If the director of transportation notifies the board of township trustees that he/she has purchased or has initiated proceedings to appropriate the land which is subject of the amendment, then the board of township trustees shall refuse to adopt the amendment. If the director notifies the board of township trustees that he/she has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the director and the property owner, the board of township trustees shall proceed as required by the O.R.C.

ARTICLE 12

TELECOMMUNICATIONS TOWERS

1200.00 PURPOSE

A. It is the purpose of this Section of the Claridon Township Zoning Resolution to regulate wireless telecommunications antennas, towers, and facilities in order to promote public health, safety, and morals in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:

- 1.** Protect residential districts and land uses from potential adverse impacts of wireless telecommunications towers, antennas and facilities.
- 2.** Accommodate the wireless telecommunications towers and facilities as authorized by the Federal Telecommunications Act of 1996 (Public Law 104-104) in order to enhance telecommunications services and competition particularly wireless telecommunications service.
- 3.** Promote collocation as an alternative to siting new wireless telecommunications towers and appurtenances; and to maximize the use of existing and approved towers and buildings to collocate new wireless telecommunications antennas.
- 4.** Consider the public health and safety issues surrounding wireless telecommunications towers and appurtenances.
- 5.** Protect adjacent lots from potential damage from wireless telecommunications tower failure through proper engineering and careful siting of such structures.
- 6.** Encourage monopole wireless tower construction where feasible.

B. This resolution shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request has been duly filed. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. This resolution shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

1201.00 PERMITTED USES

- A.** A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed, or enlarged in the following areas as a permitted use subject to the requirements of this article and upon application for a zoning certificate and issuance of said certificate by the zoning inspector.
- B.** A wireless telecommunication antenna may be permitted on a lawfully existing telecommunications tower, with the necessary equipment shelter, as a collocation on said existing tower.
- C.** A wireless telecommunications tower and appurtenant facilities may be permitted within a recorded electric high tension power line easement. A tower located within said easement shall not be subject to the regulations set forth in Section 1202.0(M), (T), and (V)(5).
- D.** A wireless telecommunications tower and appurtenant facilities may be permitted in the General Commercial, Restricted Industrial and Institutional zoning districts.

1202.00 CONDITIONAL USES

- A.** A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged in the R-1 district as a conditional use subject to the approval of the board of zoning appeals pursuant to the procedure set forth in Article 7 of this resolution and the following conditions as well as the regulations specified in this article.
- B.** No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a designated one hundred (100) year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Geauga County.
- C.** No wireless telecommunications tower, equipment building or appurtenant facility shall be located within a jurisdictional wetland as depicted on the maps published by the U.S. Fish and Wildlife Service, Department of the Interior, for Geauga County.
- D.** A security fence not less than eight (8) feet in height shall fully enclose the base of the wireless telecommunications tower, the equipment building, and appurtenant facilities. Gates shall be locked at all times.
- E.** Evergreen trees or shrubbery not less than eight (8) feet in height shall be planted along the exterior perimeter of the security fence so as to screen it from view. Existing vegetation on the site shall be preserved to the maximum possible extent. Landscaping on the site shall be continuously maintained and promptly restored as necessary.

F. A report shall be prepared and submitted by a licensed professional engineer and shall provide proof of compliance with all applicable federal, state, and county regulations. The report shall include a detailed site plan as required by Section 1206.0 of this resolution; a detailed description of the wireless telecommunications tower, equipment shelter, and appurtenances as well as the tower's capacity including the number and types of antennas it can accommodate; shall demonstrate compliance with the ANSI/EIA 222-F manual verifying the design and construction specifications for the tower; shall demonstrate that the tower is the minimum height necessary for its operation; and shall verify that radio frequency (electromagnetic) emissions are within compliance with the regulations of the Federal Communications Commission (FCC). A copy of the FCC license issued to the wireless telecommunications provider shall be submitted.

G. A wireless telecommunications tower, equipment building, and appurtenances shall not be mounted on a building or structure listed on the National Register of Historic Places.

H. A wireless telecommunications tower should be painted a neutral color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

I. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment shelter, and appurtenances or on the site.

J. Two to four warning signs, the maximum size of which shall be four (4) square feet, shall be posted on the site as well as an emergency telephone number. The applicant shall also provide the fire department, the county sheriff's department, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency. No other signs shall be posted on the site.

K. A wireless telecommunications tower, equipment shelter, and appurtenances shall not be artificially lighted except to assure safety as may be required by the Federal Aviation Administration (FAA). If lighting is required, white strobe lights shall not be permitted unless no other alternative is allowed by the Federal Aviation Administration (FAA). Proof of compliance with all Federal Aviation Administration (FAA) criteria shall be required and a copy of the review by the Federal Aviation Administration (FAA) shall be submitted.

L. The applicant shall submit a plan documenting how the wireless telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.

M. The driveway to the site shall be a minimum of ten (10) feet in width and shall be setback a minimum of ten (10) feet from the nearest side or rear lot line. There shall be a minimum of one (1) off-street parking space on the site.

N. The collocation of antennas on lawfully existing towers or structures shall be preferred over the construction of new wireless telecommunications tower sites. If there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on a lawfully existing tower or structure within the geographic area to be served, including the areas set forth in Section 1201.00, then with the zoning certificate application,

the applicant shall list the location of every tower or structure and all the areas set forth in Section 1201.00 that could support the proposed antenna(s) so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on a lawfully existing tower or structure or a technically suitable location is not available in any area set forth in Section 1201.00. If another tower or structure or area set forth in Section 1201.00 is technically suitable, the applicant must show that it has requested to collocate on the existing tower and the collocation was rejected by the owner of the tower or structure or that it has requested all property owners with technically suitable locations within a two (2)-mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 1201.00 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to request for collocation within thirty (30) days from the receipt of a written request sent by certified mail (return receipt requested) for collocation. If another telecommunications tower is technically suitable the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the township, if such a tower exists and space is available on the tower for collocation, which is owned or controlled by the applicant on reasonable reciprocal terms and the offer was not accepted. The applicant shall further demonstrate that collocation is not feasible for the following reasons.

1. The planned equipment would exceed the structural capacity of existing or approved towers or structures as documented by a licensed professional engineer; and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 2. The proposed equipment would cause radio frequency interference with other existing or planned equipment which cannot be prevented at a reasonable cost as documented by a licensed professional engineer.
 3. The existing or approved towers or structures do not have space on them to accommodate the proposed equipment so it can function effectively and reasonably as documented by a licensed professional engineer.
 4. Collocation would violate federal, state, or county regulations.
 5. The location of existing towers or buildings is not technically suitable due to topography or other impediments to transmission as documented by a licensed professional engineer.
 6. Existing or approved towers or structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
- O.** The owner/operator of a free-standing monopole wireless telecommunications tower shall be required to allow collocation for a minimum of two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. The

owner/operator of a free-standing lattice wireless telecommunications tower shall be required to allow collocation for a minimum of five (5) additional antenna platforms of equal loading capacity for five (5) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the zoning inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this regulation as well as all other applicable requirements, regulations and standards set forth herein.

P. The owner of any wireless telecommunications tower erected under this section shall be required to accept collocation of any other antenna(s) except upon a showing of technological nonfeasibility as set forth herein.

Q. A wireless telecommunications tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for additional users as set forth herein. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

R. There shall be no storage outside of the security fence of equipment or other items on the site except during the construction period, for ordinary maintenance, or in times of a power outage.

S. The minimum distance between wireless telecommunications towers and facilities shall be one thousand two hundred fifty (1,250) feet.

T. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances are discontinued for sixty (60) consecutive days, said facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within thirty (30) days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the conditional zoning certificate for the site shall be revoked following a hearing thereon by the board of zoning appeals. During any period of discontinuance of said telecommunications facility, the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject lot shall at all times be kept in good repair. The board of zoning appeals shall require a cash or surety bond of not less than one hundred dollars (\$100.00) per vertical foot from natural grade as part of a conditional zoning certificate to ensure such conditions, including but not limited to the removal of the tower, are met.

U. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.

V. Wireless telecommunications towers, antennas, and appurtenances mounted to a building:

1. A wireless telecommunications tower, antenna, and appurtenances may be mounted to a lawfully existing building or to a proposed building or provided the maximum height of the tower, antenna, or appurtenances shall not exceed fifteen (15) feet above the highest point of the roof line.
2. There shall be no more than 1 wireless telecommunications tower or antenna mounted on a legally existing building.
3. A wireless telecommunications tower, antenna, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, including minimum yards (setbacks), except as may otherwise be specified in this section of the zoning resolution.
4. A written report prepared by a licensed structural engineer shall be submitted indicating that the building upon which a wireless telecommunications tower, antenna, and appurtenances may be mounted will support same.
5. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances shall be one hundred percent (100%) of the height of the tower within any zoning district.

W. Free-standing wireless telecommunications towers, antennas, and appurtenances:

1. The maximum height of a freestanding monopole or a freestanding lattice wireless telecommunications tower, including antenna(s), and appurtenances shall not exceed three hundred (300) feet and shall be measured from the ground to the tip of the antenna.
2. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances shall be one hundred percent (100%) of the height of the tower within any zoning district.
3. The maximum size of an equipment shelter accessory to a freestanding monopole wireless telecommunications tower shall be four hundred (400) square feet and for a freestanding lattice wireless telecommunications tower the maximum size of the equipment shelter shall be nine hundred ninety (990) square feet. The maximum height of an equipment shelter shall be twelve (12) feet. There shall be no more than one (1) equipment shelter(s) located on a lot in conjunction with wireless telecommunications tower or antenna(s). An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.
4. A free-standing monopole wireless telecommunications tower shall be designed to support the collocation of at least three (3) antenna platforms of equal loading capacity. A free-standing lattice wireless telecommunications tower shall be

designed to support the collocation of at least six (6) antenna platforms of equal loading capacity.

5. A wireless telecommunications tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in this section of the zoning resolution.

1203.00 PROHIBITED AREAS

A. Except as noted in Sections 1201.00 and 1202.00, wireless telecommunications towers and facilities are prohibited in the OCF District and no zoning certificate shall be issued therefore.

1204.00 FEES

A. In addition to general application fees for a zoning certificate, the applicant for a wireless telecommunications tower and appurtenant facilities shall be responsible for all expenses incurred by the township or any technical and or engineering services deemed necessary by the zoning inspector, the board of zoning appeals, or the board of township trustees to perform the reviews and/or inspections set forth in this section of the zoning resolution.

1205.00 PUBLIC UTILITY EXEMPTION

A. This resolution does not apply in respect to 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 any public utility or railroad, for the operation of its business. However, subject to O.R.C. 519.211 (B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.

B. In the event a wireless telecommunications tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations set forth herein do not apply when the proposed location of the tower facility is in a nonresidential zoned area of the township. The proponent of such a tower facility must file a written application with the zoning inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for the purpose of this exemption. No single factor set forth below is controlling as to whether the applicant is a "public utility engaged in the provision of telecommunications services." Each factor should be considered and weighed according to the factual circumstances presented and, in specific circumstances, some factors may be given more weight than others.

1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
4. Whether the applicant conducts its operation in such a manner as to be a matter of public concern;
5. Whether the good or service is vital;
6. Whether there is a lack of competition in the local marketplace for the good or service;
7. Whether there is regulation by a government authority and the extent of that regulation;
8. Whether the applicant possesses the power of eminent domain.

C. If the zoning inspector determines to deny the applicant such "public utility" status, the inspector shall do so in writing and state the reasons therefor. Such decision of denial by the zoning inspector may not be a final decision by the township on the issue. Any determination by the zoning inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the board of zoning appeals pursuant to the procedures set forth in this zoning resolution. The decision of the board of zoning appeals shall be the final decision of the township on this issue.

D. In the event a wireless telecommunications tower and appurtenant facility is proposed to be located in an unincorporated area of the township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this zoning resolution if it meets all of the criteria in 1, 2, and 3 below as follows:

1. All requirements of Section 1205.00 A through C are met;
2. The public utility provides both of the following by certified mail:
 - a. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
 1. The public utility's intent to construct the tower; and
 2. A description of the property sufficient to identify the proposed location; and

3. That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that the provisions of this zoning resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and

4. Written notice to the board of township trustees of the information specified in subsection D.2.a of this section; and

b. If the board of township trustees receives notice from a property owner under subsection D.2.a.(3) of this section within the time specified in that subsection, or if a trustee makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under subsection D.2.b. of this section, the board shall request that the Fiscal Officer of the township send the person proposing to construct the tower written notice that the tower is subject to the regulations of this zoning resolution. The notice shall be sent no later than five (5) days after the earlier of the date the board of trustees first receives such a notice from a property owner or the date upon which a trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this zoning resolution shall apply to the tower without exception. If the board of township trustees, however, receives no notice under subsection D.2.a. of this section within the time prescribed by that subsection or no trustee has an objection as provided under this subsection D.3. within the time prescribed by this subsection, the applicant will be exempt from the regulations of this zoning resolution.

E. Any person who plans to construct a telecommunications tower within one hundred (100) feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice. As used in this section "residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence.

1206.00 SITE PLAN

A. In addition to the information required by this resolution for an application for a zoning certificate, the site plan for a wireless telecommunications tower and appurtenant facilities shall include the following items.

1. The site plan shall be prepared by, signed, dated, and bear the stamp and registration number of a licensed professional engineer.
2. The site plan shall be based upon a survey, drawn to scale, have a north arrow, and show the location and dimensions of the wireless telecommunications tower and appurtenant facilities from all lot lines, buildings, structures, and public road right-of-ways. A copy of the structural design prints from the manufacturer shall be provided for a wireless telecommunications tower, antenna(s), and equipment shelter.
3. The height of the telecommunications tower and all appurtenant facilities above grade shall be provided and all potential mounting positions and locations of antennas shall be shown in order to evaluate collocation opportunities.
4. The dimensions of all buildings, structures, driveways, parking area, and all appurtenant facilities shall be provided.
5. Existing easements of record and proposed easements with dimensions shall be shown.
6. A copy of a title examination for the subject premises shall be submitted.
7. The shipping weight of the wireless telecommunications tower, antenna(s), equipment shelter(s), and all appurtenances shall be provided. The delivery route shall be given and subject to review as to road weight limits.
8. Proof of compliance with the regulations of the Geauga Soil and Water Conservation District with respect to soil erosion and stormwater runoff shall be submitted.

ARTICLE 13

ADULT ORIENTED BUSINESS

An Article for the purpose of regulating the location of adult oriented businesses.

1300.00 Definitions

A. For the purposes of this article, the following definitions of terms shall apply.

1. "Adult arcade" means an establishment where coin operated or slug/token operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing or image-transmitting devices are maintained to show images to no more than one (1) person per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas." See also video viewing booth or arcade booth.
2. "**Adult bathhouse or sauna**" means a steam bath or heated bathing room used for the purpose of bathing, relaxation, or using steam or hot air as a cleaning, relaxing or reducing agent and the service provided is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
3. "**Adult cabaret**" means a building or portion thereof including a nightclub, bar, restaurant or similar establishment which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on: Persons who appear in a state of nudity, or the exhibition of "specified anatomical areas" or "specified sexual activities" for observation by patrons.
4. "**Adult massage business**" means an establishment where, for any form of consideration, manipulation of human muscles or tissue by rubbing, stroking, kneading or other treatment of the body is practiced which is characterized by emphasis on matters related to "specified sexual activities" or "specified anatomical areas," unless such massage treatment is practiced by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional practitioner licensed by the state.
5. "**Adult media**" means magazines, books, videotapes movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

6. "Adult media store" means an establishment that rents and / or sells media and that meets any of the following: five (5%) percent or more of the gross public floor area is devoted to adult media. Five (5%) percent or more of the stock in trade consists of adult media. It advertises or markets itself in any forum as "X rated," "adult," "sex," or otherwise as a sexually or adult oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.

7. "Adult motel or hotel" means an establishment which: Offers accommodations to the public for any form of consideration that provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; Rents, leases, or offers sleeping rooms or suites for a period of time that is less than ten (10) hours; or allows an occupant or tenant to sublet a room or suite for less than ten (10) hours; or rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.

8. "Adult motion picture theater" means an establishment where, for any form of consideration, films, motion pictures, video cassettes, compact or digital discs, slides, similar photographic reproductions or previously recorded visual presentations are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

9. "Adult oriented business" means an establishment which is designed and used to sell, rent, or show sexually explicit or hard-core materials, paraphernalia, machines, equipment, services, performances, and such other uses distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult media store, adult motion picture theater, adult theater, adult sexual paraphernalia business, and an adult sexual encounter business.

10. "Adult sexual encounter business" means an establishment that offers, for any form of consideration, a place where persons or patrons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult sexual encounter business shall include an adult cabaret, a lingerie or adult modeling studio, a nude photography studio, an adult bathhouse or sauna, a body-painting studio, an adult massage business, and an adult hotel or motel. It shall not include an establishment operated by a licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.

11. "Adult sexual paraphernalia business" means an establishment which devotes five (5%) percent or more of its gross public floor area to the sale or rental of adult media or sexually oriented devices, toys or novelties.

12. "Adult theater" means an establishment such as a playhouse, arena, amphitheater, auditorium or concert hall which features persons who appear in a state of nudity or live performance characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

13. "Body-painting studio" means an establishment wherein paint or similar materials or substances are applied to specified anatomical areas of patrons who are in a state of nudity.

14. "Display publicly" means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a road, a public sidewalk, from an adjoining lot line, or from any portion of the premises where items and material other than adult media are on display to the public.

15. "Establishment" means any business regulated by this article.

16. "Explicit sexual material" means any hard-core material.

17. "Gross public floor area" means the total area of a building accessible or visible to the public including showrooms, merchandise display areas, service areas, behind-counter areas, storage areas, stage areas, screen areas, and arcades; including the aisles, hallways, and entryways serving such areas.

18. "Hard-core material" means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice of a person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

19. "Lingerie or adult modeling studio" means an establishment that provides the services of live models to model lingerie to patrons and who engage in specified sexual activities or expose specified anatomical areas while being observed, painted, painted upon, sketched, drawn, photographed, or otherwise depicted by patrons.

20. "Nude photography studio" means an establishment that takes still or motion pictures for any form of consideration of models or patrons who engage in specified sexual activities or expose specified anatomical areas while being photographed.

21. "Nudity" means the showing of either of the following: the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the female breast with less than a fully opaque covering on any part of the areola.

22. "Sexually oriented devices, toys or novelties" means, without limitation, any artificial or simulated specified anatomical area or other device, novelty, toy or paraphernalia that is designed principally for specified sexual activities or to stimulate human genital organs, but shall not mean any contraceptive device.

23. "Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttocks, and the female breast at a point immediately above or below the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

24. "Specified sexual activities" means any of the following: human genitals in a state of sexual stimulation or arousal; the fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast; sex acts, actual or simulated, including intercourse, oral copulation or sodomy; masturbation, actual or simulated; or excretory functions as part of, or in connection with, any of the activities set forth hereinabove.

25. "Video viewing booth or arcade booth" means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video tape, laser disc, cd-rom, books, magazines or periodicals) for observation by patrons therein. A video-viewing booth or arcade booth shall not mean a theater, motion picture theater, playhouse, or a room or enclosure within a building or portion thereof that contains more than twenty-five (25) square feet of floor area.

1301.00 Conditions for Adult Oriented Businesses

A. An adult oriented business shall be allowed as a conditional use only in the I (Restricted Industrial District) zoning district subject to the procedure for conditional zoning certificates as set forth in Article 7 of this resolution, the general conditions for conditional uses as provided in Section 709.00 of this resolution, and the following specific conditions. No person, proprietorship, partnership, corporation or any other legal entity shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provisions of this resolution. Nothing in this resolution shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film, video or other form of media or material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

1. An adult oriented business shall be located more than fifty (50) feet from a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library. For the purpose of this condition measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be

conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.

2. An adult oriented business shall be located more than fifty (50) feet from any residential zoning district boundary as established in this resolution and shown on the official township zoning map, the lot line of a lot devoted to a residential use, any boundary of a residential zoning district contiguous with the township, or any building that contains a residence. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of the lot or premises devoted to a residential use or possession of a building devoted to a residence, or to the nearest boundary of an affected residential zoning district.

3. An adult oriented business shall be located more than five-hundred (500) feet from any other lawfully existing adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises devoted to a lawfully existing adult oriented business to the nearest front lot line of the lot or premises on which an adult oriented business may be conducted.

4. An adult oriented business shall be conducted within a fully enclosed building.

5. Management personnel shall be present at all times when an adult oriented business is open for operation.

6. Proof of compliance with the rules and regulations of the county building department, county water resources department, county general health district, fire prevention office or fire department, and such other state and federal codes as may be applicable shall be provided for an adult oriented business.

7. An adult oriented business shall comply with all of the off-street parking regulations in this resolution for the zoning district in which it is located.

8. An adult oriented business shall comply with all of the signage regulations in this resolution for the zoning district in which it is located.

9. An adult oriented business shall comply with all of the regulations in this resolution for the zoning district in which it is located including, but not limited to, minimum lot area, minimum lot frontage and width, minimum yards (setbacks), lighting, maximum lot coverage, and maximum building and structure height.

10. An adult oriented business shall comply with such other specific conditions related to the promotion and protection of the public health, safety, convenience,

comfort, prosperity, morals or general welfare as determined by the board of zoning appeals.

1302.00 Adult Oriented Businesses: Nonconforming Buildings, Structures, and Uses

A. Notwithstanding the provisions of this resolution regarding nonconforming buildings, structures, and uses, a lawfully existing adult oriented business in operation as a conforming use, shall not be rendered a nonconforming use by the subsequent location of a church or place of worship, public or private school, public park or playground, child day care center, governmental office, or public library within fifty (50) feet, of a residential zoning district boundary or a residential use on a lot within fifty (50) feet, of such adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.