Geauga County

Model Township

Zoning Resolution

GEAUGA COUNTY

MODEL TOWNSHIP

ZONING RESOLUTION

Updated By:

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2022

In Cooperation With:

The Geauga County Planning Commission

and

The Geauga County Prosecutor's Office
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Note: This document is meant as a guide only.

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ARTICLE I

GENERAL PROVISIONS

Section 100.0 Title

This resolution shall be known as "The Zoning Resolution of _____ Township, Geauga County, Ohio" and may be hereinafter referred to as "this resolution."

Section 101.0 Jurisdiction

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

Section 102.0 Purpose of Zoning Resolution

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, set back building lines, sizes of yards, courts, and other open spaces, the density of population, 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. Except as otherwise provided in this section, 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, set back 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 this section, 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 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 any district or zone, but the regulations in one (1) district or zone may differ from those in other districts or zones.

Note: The following pertains to mineral extraction (surface mining) activities only.

For any activities permitted and regulated under Chapter 1513. or 1514. of the Ohio Revised Code and any related processing activities, the board of township trustees may regulate under the authority conferred by this section only in the interest of public health or safety. Additional purposes of this resolution are:

A. 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.

B. 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.

C. To regulate building setback lines (yards) and other open spaces.

D. To regulate the density of population by establishing minimum lot size, frontage, and width requirements in each zoning district.

E. To regulate the use of buildings and structures in each zoning district and to ensure that appropriate utilities, sewage treatment and water supply systems, and other matters related to public health and safety are adequately addressed to serve such uses.

F. To conserve and protect the natural resources of the township, including the supply of groundwater.

G. To ensure that development is in accord with the capability and suitability of the land to support it.

H. 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.

I. To promote and protect the public health, safety, morals, and general welfare.

Section 103.0 Provisions of Resolution Declared to be Minimum Requirements

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

Section 104.0 Powers Not Conferred by Chapter 519 of the Ohio Revised Code 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 any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure. However, this resolution shall 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 O.R.C. Section 519.21(B). See Article XVII, Section 1701.0.

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 519.211(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.

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, industrial, residential, 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. See Article XVII, Section 1702.0.

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 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 Ohio Revised Code.

F. This resolution does not apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for that purpose, having wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) megawatts or more.

G. 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.

H. 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.

I. 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.

J. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for agritourism. However, this resolution does regulate such factors pertaining to agritourism, except farm markets as described in paragraph "D" of this section, as size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety. See Article XVII, Section 1705.0. Nothing in this section requires any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement. Nothing in this section prohibits the use of any land or the construction or use of buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture as provided in paragraph "A" of this section. As used in this section, "agritourism" has the same meaning as in Section 901.80 of the Ohio Revised Code.

Section 105.0 Schedule of Fees, Charges, and Expenses; and Collection Procedure

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 and township fiscal officer, and may be altered or amended only by resolution of the board of township trustees.
Each application for a zoning certificate, amendment, or conditional zoning certificate and notice of appeal shall be accompanied by the fee so established.

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

Section 106.0 First Day Excluded and Last Day Included in Computing Time; Exceptions; Legal Holiday Defined

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

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 Sunday or legal holiday as defined in O.R.C. Section 1.14.

"*Legal holiday*" as used in this section means the days set forth in O.R.C. Section 1.14.

If any day designated in O.R.C. Section 1.14 as a legal holiday falls on Sunday, the next succeeding day is a legal holiday.

Section 107.0 Computation of Time

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 that month.

Section 108.0 Specific Provision Prevails Over General; Exception

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.

Section 109.0 Irreconcilable Amendments

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 by 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.

Section 110.0 Continuation of Prior Amendment

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.

Section 111.0 Effect of Amendment

The amendment of this resolution does not:

A. Affect the prior operation of this resolution or any prior action taken thereunder;

B. Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder;

C. Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal;

D. Affect any investigation, proceeding, or remedy in respect to 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.

Section 112.0 Annexed Territory

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.

Section 113.0 Severability

Every provision in this Resolution and every application of its provisions is severable from each other as a matter of state law. If any application of any provision in this Resolution to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Resolution and the application of its provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Resolution shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the Township's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Resolution invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force. (Amended 8-19-22)

ARTICLE II

DEFINITIONS

Section 200.0 Interpretation of Terms or Words

For the purposes of this resolution, the following rules of interpretation for terms and words shall apply:

A. The word "person" includes an individual, association, organization, partnership, trust, company, corporation, or any other legal entity.

B. 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.

C. The word "shall" is a mandatory requirement.

D. The word "may" is a permissive requirement.

E. The word "should" is a preferred requirement.

F. 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.

G. For words and terms undefined herein, the latest edition of "Webster's New World Dictionary" may be consulted.

Note: An alternative dictionary may be cited, if desired.

Section 201.0 Words and Terms Defined

Words and terms used in this resolution shall be defined as follows:

"Accessory building, structure, or use" means a subordinate use of a building, structure, or lot or a subordinate building or structure: (1) the use of which is clearly incidental to the use of the principal building, structure, or use of a lot; (2) which is customary in connection with the principal building, structure, or use of a lot; and (3) which is located on the same lot with the principal building, structure, or use.

"Agriculture" includes farming; algaculture meaning the farming of algae; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or

mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

"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 radio 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.

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

"Basement" means a portion of a building or structure with at least one-half (1/2) 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.

"Breezeway" see Section 402.2(B).

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

"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 finished grade level at the exterior foundation of the building or structure to the highest point of the building or structure. If the finished grade level varies, height shall be determined by measuring the vertical distance from the finished grade level at each exterior foundation corner of the building or structure to its highest point and determining an average thereof.

"Building line" see "setback line."

"Cemetery" means real property used for the interment of human remains including any one (1) or a combination of more than one (1) 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.

"Certified foster home" means a foster home as defined in O.R.C. Section 5103.02, certified under Section 5103.03 of the Ohio Revised Code.

"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 (1) 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 (1) time and as defined in O.R.C. Section 5104.01(K). 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.

"Collector's vehicle" means any motor vehicle, or agricultural tractor or traction engine as defined in O.R.C. Section 4501.01(F), that is of special interest, that has a fair market value of one hundred dollars ($100.00) or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but is not the owner's principal means of transportation.

"Collector's vehicle, licensed" means a collector's vehicle other than an agricultural tractor or traction engine as defined in O.R.C. Section 4501.01(C) that displays current, valid license tags issued under O.R.C. Section 4503.45.

"Collocation" means locating wireless telecommunications antennas and appurtenant equipment from more than one (1) 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.

"Compost" means a humus-like organic material resulting from the biological decomposition of solid waste which may include a chemical change.

"Composting" means the managed process of biological decomposition of solid waste, which may include a chemical change, under controlled conditions resulting in compost.

"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 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 by the board of zoning appeals for a conditional use.

"County" means Geauga County, Ohio

"Cul-de-sac" means a road, one (1) end of which connects with another road, and the other end of which terminates in a vehicular turnaround.

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

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

"Designated watercourse" means a river or stream within the township that is in conformity with the criteria set forth in these regulations.

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

"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 a fully enclosed building or structure (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 (1) or more human occupants. A dwelling shall include an industrialized unit and a manufactured home as defined herein.

"Dwelling, single family" means a dwelling consisting of one (1) detached dwelling unit to be occupied by one (1) family only.

"Dwelling, two family" means a dwelling consisting of two (2) dwelling units to be occupied by two (2) families only.

"Dwelling, multiple family" means a dwelling consisting of three (3) or more dwelling units to be occupied by three (3) or more families.

"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 (1) family for residential occupancy.

"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.

"Economically significant wind farm" see Article VIII, Section 801.1(A).

"Electronic digital display" means the portion of a changeable copy sign which displays internally illuminated components that enable the display to change periodically and is controlled by remote or automatic means.

"Electric Vehicle" (EV) means any motor vehicle that: 1) is designed for use on roads, highways, or streets; 2) is powered fully or partially by an electric motor and rechargeable battery or similar energy storage device; and 3) includes, but is not limited to, battery electric vehicles (BEVs), plug-in hybrid electric vehicles (PHEVs), and fuel cell electric vehicles (FCEVs).

"Battery Electric Vehicle" (BEV) means a type of Electric Vehicle that operates solely on electricity stored in a rechargeable battery and does not include an internal combustion engine or any other form of on-board fuel combustion.

"Plug-in Hybrid Electric Vehicle" (PHEV) means a type of Electric Vehicle that combines an electric motor with an internal combustion engine and is capable of operating in electric-only mode for a specified range, with the battery being rechargeable from an external source of electricity.

"Fuel Cell Electric Vehicle" (FCEV) means a type of Electric Vehicle that uses a fuel cell, typically powered by hydrogen, to generate electricity for propulsion, with water vapor as the primary byproduct.

"Charging Infrastructure" refers to the facilities, equipment, and systems necessary to recharge the batteries of Electric Vehicles, including but not limited to Level 1, Level 2, and DC fast chargers, as defined by the Society of Automotive Engineers (SAE) standards.

"External Source of Electricity" means any grid-connected or off-grid system, including but not limited to residential, commercial, or public charging stations, solar-powered systems, or other renewable energy sources, used to recharge the energy storage system of an Electric Vehicle.

"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 a building, structure or use of land for the sale of produce per Article XVII, Section 1702.0(A).

"Federal Emergency Management Agency (FEMA)" means the agency with overall responsibility for administering the National Flood Insurance Program.

"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 immediately adjacent to a building or structure at its exterior foundation.

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

"Floor area" means the sum of the horizontal areas of the several floors of a building, measured from the interior faces of the exterior walls.

"Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four (24) hours a day and as defined in O.R.C. Section5103.02(D).

"Freestanding solar panel" see Article VIII, Section 800.1(A).

"Frontage" see "lot line, front or frontage."

"Garage" means a building designed and used for the storage of motor vehicles.

"Gazebo" means a free standing, typically octagonal, roofed structure open on the sides, used for outdoor entertainment or recreational purposes.

"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.

"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 and as defined in O.A.C. Section 3745-51-03.

"Home occupation" means an occupation for remuneration conducted within a dwelling on a lot within a residential zoning district.

"Hospital" means a building containing beds for patients and devoted to the medical diagnosis, treatment, and care of human ailments by licensed physicians and other medical staff.

"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 and lodging, 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 structure as defined in O.R.C. Section 3781.06(C)(3) for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to O.A.C. Section 4101:2-1-62(A).

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

"Junk" means old or scrap copper, brass, rope, rags, trash, wastes, batteries, paper, rubber, plastic, dismantled or wrecked vehicles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.

"Junk vehicle" means any vehicle that meets all of the following criteria: it is; (1) three years (3) 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 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.

"Landscaping" means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover; and, may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, or sculptures, reflective pools, and fountains.

"Land banking" means a reserve of required parking spaces, which shall be counted as lot coverage, that will be left open as landscaped green space until the applicant is required to complete the requirements of this resolution as directed by the zoning inspector.

"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 a lighting installation which falls outside the boundaries of the property on which the installation is sited.

"Loading/unloading space" means space provided for pick-ups and deliveries for commercial and 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, driveways, loading/unloading spaces, and parking area on a lot.

"Lot, depth" means the total distance of each side lot line measured from the front line to the rear lot line.

"Lot, minimum area" means the total area, expressed in acres, included within the boundary lines of a lot computed exclusive of any portion of the right-of-way of any abutting public or private road.

"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, width" means the shortest distance that occurs between the side lot lines measured continuously anywhere between the front lot line and the building front setback line (see "yard, front").

"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 of a lot which abuts a public or private road. In the case of a corner lot or a multiple frontage lot, all lot boundaries abutting a road are considered front lot lines.

"Lot line, rear" means the boundary 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.

"Lot line, side" means any boundary 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 county auditor's current tax roll, 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 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 3781.06(C)(4).

"Manufactured home park" means any lot upon which three (3) or more manufactured or mobile homes used for habitation are located, as defined in O.R.C. Section 4781.01(D).

"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 excavated from natural deposits on or in the earth.

"Mobile home" means a building unit or assembly of closed construction as defined in O.R.C. Section 4501.0(O), and which is designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. 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 O.R.C. Section 3721.01 and generally 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 assistance and skilled nursing care.

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

"O.R.C." or ***"R.C."*** means the Ohio Revised Code.

"Ohio EPA Class I, II, III, and IV solid waste composting facilities" shall be as defined in O.A.C. Section 3745-560-02.

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

"Outdoor wood-fired boiler (OWB)" see Article VIII, Section 802.1(C).

"Parking lot" means an off-road area designed for parking of vehicles, including driveways and aisles.

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

"Patio" means a structure with a level, surfaced area consisting of concrete, pavers, stone or gravel with or without walls or a roof that is attached or is directly adjacent to a building.

"Pavilion" means a roofed open structure with no more than two (2) enclosed sides used for recreation, entertainment, dining or shelter.

"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 47 U.S.C. 332(c)(7).

"Pervious surface" means any materials or surfaces which permit percolation of storm water into the ground.

"Pond" means a water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout.

"Porch" means a covered area adjoining an entrance to a building with no more than three (3) enclosed sides.

"PPN" means the permanent parcel number as assigned to a lot by the county auditor.

"Premises" means a lot or lots where buildings, parking lots, and other structures are located.

"Private road" 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" means fresh fruit and vegetables, eggs, grains, herbs, honey, maple syrup and milk.

"Public road" 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 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?

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.

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

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

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

"Roof mounted solar panel" see Article VIII, Section 800.1(B).

"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.

"Scrap metal processing" means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

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

"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.

"Service station" means buildings and premises where fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed 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, rear, and side.

"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 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 (1) dwelling or building, community or region subject to the approval of health and sanitation agencies or departments having jurisdiction.

"Shadow flicker" see Article VIII, Section 801.1(B).

"Sign" means a 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 announcement, direction or advertisement.

"Sign, billboard" means a sign to advertise 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.

"Sign, changeable copy" means a wall or monument sign or portion thereof which is so designed that characters, letters, or illustrations can be changed or rearranged without altering the basic face or surface of the sign, whether manually or electronically.

"Sign, directional" means a sign placed at a location visible to vehicles or other modes of mobility seeking to enter, exit, load/unload, and may take the form of a monument sign, wall sign, temporary sign, or _____.

"Sign, flat or wall" means a sign painted on or attached to and erected parallel to the face of, and erected and confined within the limits of, the outside wall of a building and supported by such wall and consists of only (1) face.

"Sign, governmental" means a sign located or erected by a federal, state, or political subdivision pursuant to law and serving an official safety function, such as traffic control.

"Sign, marquee" means a sign attached to or on a marquee which is a permanent roof-like structure projecting beyond the wall of the building, generally at an entrance to a building, and designed and constructed to provide protection against the weather.

"Sign, mobile" means any portable sign or sign structure not securely or permanently attached to the ground or to a building and typically mounted on a trailer with wheels.

"Sign, monument" means a freestanding ground sign on a permanent foundation which is entirely independent of any building for support and consists of no more than _____(#) faces.

"Sign, off-premise" means a sign advertising goods, services, or activities located on a lot other than the lot at which such goods, services or activity occurs.

"Sign, on-premise" means a sign advertising goods, services or activities located on the same lot at which such goods, services or activity occurs.

"Sign, projecting" means a sign extending beyond the vertical surface or plane of the exterior wall of a building to which such a sign is attached and consists of no more than two (2) faces.

"Sign, pylon" means a freestanding sign supported by one (1) or more visible uprights or poles permanently affixed to the ground and which is entirely independent of any building for support and consists of no more than _____(#) faces.

"Sign, 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.

"Sign, temporary" means a sign that is not designed or intended for permanent display.

"Sign, 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.

"Site" see "lot."

"Small wind farm (SWF)" see Article VIII, Section 801.1(C).

"Solar panel and solar panel array" see Article VIII, Section 800.1(C) & (D).

"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 (1/2) of its height is located above the finished grade level of the adjacent ground.

"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 production 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 openings.

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

"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 (1) 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 O.R.C. Section 519.211(B)(1)(a-e) and this resolution.

"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 _____ Township, Geauga County, Ohio

"Township board of zoning appeals" means the board of zoning appeals of the township.

"Township fiscal officer" means the fiscal officer of the township.

"Trustees" means the board of trustees of the township.

"Type A family day-care home" and "Type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one (1) time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one (1) time if four (4) or more children at one (1)

time are under two (2) years of age and as defined in O.R.C. Section 5104.01(TT). In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. "Type A family day-care home" and "Type A home" do not include any child day camp as defined in O.R.C. Section 5104.01(I).

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

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

"Vehicle" means anything that 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 horizontal structure made of concrete, bricks, stone, pavers, wood chips, or other like construction for the purpose of creating a pathway for walking. A walkway may include a sidewalk or a trail.

"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 (1) dwelling or building, community, or region subject to the approval of health and sanitation agencies or departments having jurisdiction.

"Wetland" see Article XV, Section 1502.0(P).

"Wind energy conversion system (WECS)" see Article VIII, Section 801.1(D).

"Wind energy conversion system tower" see Article VIII, Section 801.1(E).

"Wind turbine" see Article VIII, Section 801.1(F).

"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.

"Wireless telecommunications facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

"Yard" means an open space on a lot unoccupied and unobstructed by any building, 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, garage, barn, or estate sale" means a private sale of personal property that is open to the public.

"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.

"Zoning certificate" means a permit issued by the zoning inspector in accordance with the regulations specified in this resolution.

"Zoning commission" means the zoning commission of the township.

"Zoning inspector" means the zoning inspector of the township.

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

ARTICLE III

ZONING DISTRICTS AND THE OFFICIAL TOWNSHIP ZONING MAP

Section 300.0 Zoning Districts

_____ Township is hereby divided into zoning districts, which shall be designated as follows:

Note: List zoning districts here.

Section 300.1 Description of Zoning Districts

The following is a legal description of each zoning district listed in Section 300.0 of this resolution:

Note: Provide legal description of each zoning district here.

Section 301.0 Official Township Zoning Map

The boundaries of the zoning districts listed in Section 300.0 and described in Section 300.1 in this resolution are shown on the official township zoning map which is hereby incorporated as a part of this resolution.

In the event of discrepancies between the official township zoning map and the legal description of each zoning district as provided in Section 300.1, the legal description of the zoning district shall be controlling.

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.

Section 301.1 Location of the Official Township Zoning Map

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 adopted official township zoning map is contained in Section 301.3.

Section 301.2 Amendments to the Official Township Zoning Map

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

All amendments to the official township zoning 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 in the office of the township fiscal officer and kept together with the original township zoning map and all other amended official township zoning maps in the manner provided in Section 301.1.

Section 301.3 Official Township Zoning Map

A copy of the most current version of the adopted official township zoning map is shown on the following page.

Note: Insert the official township zoning map on next page.

ARTICLE IV

DISTRICT REGULATIONS

Section 400.0 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 buildings, 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 V.

Section 401.0 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 therefor, except it may be issued when:
   a) the zoning inspector approves a similar use not specifically listed in this resolution that is harmonious with the character of the vicinity, not detrimental to public welfare, and consistent with zoning objectives.
      i. In the zoning inspector's discretion, if a proposed use does not meet requirements of a similar use stated above and therefore denies said proposed use, then the applicant may appeal to the Board of Zoning Appeals for consideration as stated above.
   b) until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article XII or
   c) a variance has been granted in accordance with Article X.

B. Lighting fixtures and devices from which direct glare is visible on adjoining roads or lots shall be prohibited. Flashing lights shall be prohibited.

C. Mobile homes shall be prohibited.

D. The storage of junk vehicles, including unlicensed collector's vehicles as defined in O.R.C. Section 4501.01(F), outside of a fully enclosed building shall be prohibited. Whether licensed or unlicensed, a collector's vehicle that meets all of the criteria for a junk vehicle shall be stored only within a fully enclosed building.

E. Junk yards and the storage of junk or burial of junk shall be prohibited.

F. Automotive wrecking shall be prohibited.

G. Manufactured home parks shall be prohibited.

H. 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.

I. Landfills, open dumping, solid waste facilities, solid waste transfer facilities, construction and demolition debris facilities and scrap tire collection facilities as defined in O.R.C. Chapter 3734 shall be prohibited.

J. Trees, shrubs or other plant material growth that restricts or impedes pedestrian or vehicular ingress/egress to a public road, represents a traffic hazard or otherwise creates a threat to public health, safety or general welfare shall be prohibited.

K. Drag strips or race tracks shall be prohibited.

L. 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. 3734.05(E).

M. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to emission of odor, smoke, fumes, cinders, dust, noise, gas, vibration, electrical interference, refuse matter, water carried wastes, or which will interfere with adjacent landowners' enjoyment of the use of their lands.

N. Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21.

Note: As an alternative, O.R.C. Section 519.21 permits a township to regulate the location of medical marijuana cultivators, processors, or retail dispensaries. Further, O.R.C. Section 3796.30(A) provides that no medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located or relocated within five hundred (500) feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park. This section does not apply to research related to marijuana pursuant to O.R.C. Section 3796.30(B). O.R.C. Section 3796.30(C) contains definitions for the terms "church," "public library," "public park," "public playground," and "school."

Section 402.0 R-1: Residential District

The purpose of the R-1 Residential District is to reasonably regulate and allow low density single family residential use thereby protecting the groundwater supply as well as recognizing the capability of the soils and other natural resources to support such development.

Section 402.1 Permitted Principal Buildings, Structures, and Uses

Note: List specific permitted buildings, structures, and uses allowed here.

Note: Agriculture may be regulated in platted subdivisions or on certain lots five (5) acres or less in area. For more information, see O.R.C. Section 519.21(B).

A. Licensed residential facilities subject to the regulations set forth in Section 402.12.

B. Agriculture subject to the regulations set forth in Article XVII.

C. Single family detached dwellings, including industrialized units and manufactured homes subject to the regulations set forth in Section 402.11. There shall be no more than one (1) single family detached dwelling on a lot.

D. Temporary uses set forth in Section 402.16.

Section 402.2 Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with and incidental or subordinate to the permitted principal building, structure, or use)

Note: List specific accessory buildings, structures, and uses allowed here.

A. Antennas: Radio or television antennas including satellite dish antennas designed to receive direct broadcast satellite service, including direct to home satellite service, or to receive or transmit fixed wireless signals via satellite; antennas designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite; and antennas designed to receive local television broadcast signals. Provided, however, no zoning certificate shall be required if such antennas are one (1) meter (39.37 inches) or less in diameter; or, if the mast for an antenna designed to receive local television broadcast signals is twelve (12) feet or less above the roofline of the building to which it is mounted. An antenna shall be setback from the nearest lot line a distance equal to 1.1 times its total height measured from all lot lines. Such antennas and dish antennas shall not be located in the front yard or in front of the principal building on a lot. Pursuant to O.R.C. Section 519.214 and O.R.C. Section 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 measured from all lot lines. An antenna for amateur radio service communications shall not be located in any front yard or in front of any principal building on a lot.

B. Breezeways shall:

1. Include a roof and supporting structural components that is wholly enclosed or unenclosed on a permanent foundation.

2. Consist of a permanent passageway connecting a single family dwelling and an accessory building or an accessory building and another such building on a lot.

3. Not connect two (2) or more single family dwellings on a lot.

C. Certified foster homes within the principal dwelling.

D. Gazebos, no more than one (1) per lot.

E. Off-road parking and loading/unloading spaces in accordance with Article VI.

F. Outdoor barbeque facilities, kitchens, and fireplaces with a permanent foundation.

G. Pavilions, no more than one (1) per lot.

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

I. Private garages for the storage of motor vehicles owned and/or operated by the owner or lessee of the principal building or structure on a lot and in accordance with the following regulations:

1. An attached garage shall not exceed _____ percent (___%) of the total floor area of the principal building to which it is connected.

2. If detached from the principal building, the floor area of a garage shall be in accordance with Sections 402.8 and 402.9.

Note: If detached from the principal building, the number of such garages on a lot may be specified.

J. Storage buildings used for keeping tools, equipment, supplies, and other personal property owned by the owner or lessee of the principal building or structure on a lot and in accordance with the following regulations:

1. There shall be no more than _____ storage building(s) on a lot.

2. Storage buildings shall not be located in front of the principal building or within any front yard setback.

3. The floor area of a storage building shall be in accordance with Sections 402.8 and 402.9.

K. Private outdoor swimming pools shall be in accordance with the following regulations:

1. A swimming pool shall be used solely by the occupants of the property on which it is located and their invitees.

2. A swimming pool and any appurtenances including a bath house, cabana, structure containing filtration equipment and/or supplies, filtration equipment, heater, deck, fence or barrier shall conform to the minimum front, side, and rear yard setbacks specified in Section 402.6. No swimming pool or said appurtenances shall be located in front of the principal dwelling or building.

3. A swimming pool shall be a minimum of ten (10) feet from any:

   a. Septic system and water well.

   b. Utility lines, other than those serving the pool.

4. Any applicable electrical permit shall be obtained from the county building department.

5. No swimming pool shall be constructed or located to permit water to drain into any sanitary sewer or septic system or to overflow so as to cause damage to any adjacent property.

6. Exterior lighting shall be shielded in accordance with Section 402.13.

7. Swimming pools shall be completely enclosed by a barrier, except a pool with a power safety cover complying with ASTM F1346, in accordance with the following regulations:

   a. Barrier height and clearances: The top of the barrier shall be not less than forty-eight (48) inches above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than two (2) inches measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than four (4) inches. A barrier shall not be more than twenty (20) feet from the perimeter of the pool.

   b. Openings: Openings in the barrier shall not allow passage of a (four) 4-inch-diameter sphere.

   c. Solid barrier surfaces: Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

   d. Closely spaced horizontal members*:* Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall be not greater than one and three-quarter (1 ¾) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than one and three-quarter (1 ¾) inches in width.

   e. Widely spaced horizontal members: Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (45) inches or more, spacing between vertical members shall be not greater than (four) 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than one and three-quarter (1 ¾) inches in width.

f. Chain link dimensions: Mesh size for chain link fences shall be not greater than a two and one-quarter (2 ¼) inch square unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to not more than one and three-quarter (1 ¾) inches.

g. Diagonal members: Where the barrier is composed of diagonal members, the opening formed by the diagonal members shall be not greater than one and three-quarter (1 ¾) inches.

h. Gates: Access doors or gates shall comply with the requirements of subparagraphs b-g and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates other than pedestrian access doors or gates shall have a self-latching device where the release mechanism of the self-latching device is located less than fifty-four (54) inches above the finished surface, the release mechanism shall be located on the pool side of the door or gate three (3) inches or more, below the top of the door or gate, and the door or gate and barrier shall be without openings greater than one-half (1/2) inch within eighteen (18) inches of the release mechanism.

i. Dwelling wall as a barrier: Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

(1) Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017.

(2) The pool shall be equipped with a power safety cover that complies with ASTM F 1346.

(3) Other means of protection, such as self-closing doors with self-latching devices, which are approved, shall be accepted so long as the degree of protection afforded is not less than the protection provided by item 1 or 2 above.

j. Pool structure as barrier: Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier that meets the requirements of subparagraphs b-i. Where the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four (4) inch diameter sphere.

8. No zoning certificate is required for a portable swimming pool having non-metallic inflatable side walls, unless:

a. It remains assembled for a continuous time period of six (6) months or more.

b. It is set into the ground, regardless of its size or depth.

c. A deck is constructed adjacent to it.

d. Permanent electrical and/or plumbing connections are made to it for filtration, heating, and other appurtenances.

L. Type B family day-care homes and Type B homes within the principal dwelling.

Section 402.3 Conditional Buildings, Structures, and Uses

Conditional buildings, structures, and uses may be allowed in accordance with Article V and the following conditions:

Note: List specific conditional buildings, structures, and uses allowed as well as specific conditions for each use here.

A. Home Occupations.

1. Home occupations shall be limited to the following:

   Note: List specific home occupations allowed here.

2. Conditions for home occupations:

   a. A home occupation may be established only within a dwelling. Only one (1) home occupation may be established on a lot.

   b. No home occupation may be established unless the person(s) conducting the home occupation resides on the premises and is the owner or lessee. If a lessee, a copy of the executed lease shall be provided with an application for a zoning certificate; and, written documentation (signed and dated) shall be submitted from the owner that he is aware of, and consents to, the home occupation.

   c. The use of a dwelling for a home occupation is an accessory use and shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than _____ percent (___%) of the total floor area of a dwelling, not to exceed _____ square feet, shall be used in the conduct of a home occupation. Floor area of a dwelling shall be determined by measuring its interior dimensions, in accordance with Section 402.9.

   d. There shall be no change in the exterior appearance of a dwelling or other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with Article VII.

   a. Off-road parking spaces shall be provided in accordance with Article VI. There shall be no off-road parking spaces located within any front yard area or in the front of the dwelling on a lot.

   b. The minimum width of a driveway for ingress and egress to a home occupation shall be _____ feet. Such driveway shall be constructed with an all-weather surface consisting of asphalt, concrete or aggregate material; and, shall be in accordance with Article VI.

   c. No more than _____ persons, other than the owner or lessee occupying the dwelling may be employed or engaged in a home occupation.

g. A home occupation shall be owned or operated by the owner or lessee of the property.

i. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system for the affected lot.

j. Exterior storage of materials, products, merchandise, vehicles, and/or equipment relating to the home occupation is prohibited.

k. Storage of materials, products, merchandise, vehicles, and/or equipment relating to the home occupation in no more than one (1) fully enclosed accessory building on the lot is permitted. The accessory building shall not exceed _____ square feet in total floor area and shall not be located in front of the dwelling on a lot or within any front yard setback.

l. Any vehicles used in the conduct of a home occupation, including those for deliveries and/or pick-ups, shall not exceed _____ gross vehicle weight.

m. No products or merchandise related to the conduct of a home occupation shall be displayed or offered for sale outside of a dwelling. Such products or merchandise shall be sold only from within that portion of the dwelling designated for home occupation use.

n. A copy of an application for a conditional zoning certificate for a home occupation shall be forwarded by the zoning inspector to the fire department. No conditional zoning certificate shall be issued until the fire department has completed its review to ensure compliance with applicable fire safety regulations.

o. A home occupation may be subject to inspection by the fire department to ensure compliance with applicable fire safety regulations.

p. The dwelling in which a home occupation is conducted shall conform with all the regulations for the zoning district in which it is located and the applicable regulations and conditions contained within Article V.

B. Outdoor wood-fired boilers: See Article VIII, Section 802.2.

C. Solar panels and solar panel arrays: See Article VIII, Section 800.2.

D. Wind energy conversion systems: See Article VIII, Section 801.2.

Section 402.4 Minimum Lot Area

The minimum lot area shall be _____ acres.

Section 402.5 Minimum Lot Frontage and Width

A. The minimum lot frontage and width shall be _____ feet, except for lots located on the arc of a permanent cul-de-sac road turnaround.

B. For any lot located on the arc of a permanent cul-de-sac road turnaround, the minimum lot frontage shall be _____ feet at the front lot line and a minimum width of _____ feet at the building setback line.

Section 402.6 Minimum Yards

Note: If riparian setbacks have been adopted, suggest cross reference to Article XV.

A. The minimum yards for all buildings, structures, and uses, except accessory buildings, structures, and uses shall be as follows:

1. Front yard: _____ feet.

2. Each side yard: _____ feet.

3. Rear yard: _____ feet.

B. The minimum yards for all accessory buildings, structures, and uses shall be as follows:

1. Front yard: _____ feet.

2. Each side yard: _____ feet.

3. Rear yard: _____ feet.

C. The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be as follows:

1. Same as minimum front yard.

Section 402.7 Maximum Height

A. The maximum height of all buildings, structures, and uses except those listed in paragraph B herein shall be _____ feet or _____ stories, whichever is less.

Note: There may be a maximum height specified for principal buildings and a separate maximum height for accessory buildings.

B. Special maximum heights.

1. Belfries, church spires, clock towers, cupolas, chimneys and flagpoles: No maximum height requirement.

2. Wireless telecommunications towers and appurtenant facilities shall be in accordance with Article XIII.

3. Radio, television, and satellite dish antennas shall be a maximum of _____ feet in height, if mounted in the ground or _____ feet above the roof line if attached to a building. An antenna for amateur radio service communications shall not have a maximum height requirement. See also Section 402.2(A).

4. Fences and walls shall be a maximum of _____ feet in height in any front yard and _____ feet in height in any side or rear yard, except as otherwise provided herein.

5. Wind energy conversion systems: See Article VIII, Section 801.2(A)(18).

6. Exterior light poles: See Section 402.13.

Section 402.8 Maximum Lot Coverage and Maximum Floor Area

A. The maximum lot coverage shall be _____ percent (____%).

B. The maximum floor area for a principal building other than a dwelling shall be _____ square feet.

C. The maximum floor area for an accessory building shall be _____ square feet.

Section 402.9 Minimum Floor Area

A. The minimum floor area for a single family detached dwelling shall be _____ square feet.

In calculating the minimum floor area, the following areas shall not be included: basements; crawl spaces; attics; attached garages; enclosed or unenclosed porches, patios, decks, and breezeways.

B. The minimum floor area for a principal building other than a dwelling shall be _____ square feet.

C. The minimum floor area for an accessory building shall be _____ square feet.

Section 402.10 Permitted Buildings, Structures, and Uses in Required Yards

The following buildings, structures, and uses shall be permitted in the minimum yards set forth in this resolution provided they are in conformity with the minimum setbacks otherwise specified herein. An application for a zoning certificate may be submitted to ensure compliance with these regulations; however, no zoning certificate may be required, unless otherwise indicated.

A. Air conditioning units, heat pumps, and emergency generators shall be setback a minimum of _____ feet from all lot lines.

B. Awnings or canopies over windows and doors, provided no signage is located thereon unless a zoning certificate is obtained.

C. Bridges and culvert pipes outside of the road right-of-way associated with driveways shall be in accordance with Article VI, Section 606.0(G).

D. Clotheslines and support poles shall be setback a minimum of _____ feet from all lot lines and shall not be in the front yard or in front of the principal building on a lot.

E. Driveways, in accordance with Article VI, Section 606.0, zoning certificate required.

F. 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.

3. Fences, gates, and walls shall not be unsafe or be in danger of falling and shall be setback a minimum of _____ feet from all lot lines.

4. Electrically charged fences and barbed wire fences shall be prohibited. Any fence that is incidental to agriculture is exempt from this regulation.

5. Along lot lines the unfinished side (if any) of a fence, including the structural supports and posts, shall face the lot upon which the fence is constructed.

G. Flagpoles, provided the flagpole is setback a minimum of 1.1 times its height measured from its base to all lot lines.

H. Fuel tanks shall be setback a minimum of _____ feet from all lot lines.

I. Landscaping features and screening, including earthen mounds and retaining walls.

J. Mailboxes and newspaper tubes.

K. Ornamental and security lighting fixtures shall be setback a minimum of _____ feet from all lot lines. Exterior light poles and fixtures shall be setback in accordance with Section 402.13.

L. On-site sanitary sewage treatment and water well systems.

M. Ponds, fire protection ponds in accordance with Section 402.14, and stormwater retention or detention facilities in accordance with Article XVI.

N. Signs in accordance with Article VII, zoning certificate required.

O. Student bus shelters with a maximum floor area of _____ square feet and no more than one (1) shelter per lot. Such shelters shall be setback a minimum of _____ feet from all lot lines.

P. Swing sets and related recreational equipment with a minimum setback of _____ feet from all lot lines.

Q. Utility sheds for storage of tools, equipment, and personal property that are _____ square feet or less in floor area and no more than _____ shed(s) per lot. Such sheds shall be setback a minimum of _____ feet from all lot lines and shall not be located in any front yard or in front of any principal building on a lot.

R. Walkways, trails, and sidewalks shall be setback a minimum of _____ feet from all lot lines.

Section 402.11 Manufactured Homes

Manufactured homes shall conform with all of the following regulations.

A. A manufactured home shall be permanently sited on a lot and shall:

1. Conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 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 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. Exclusive of any addition, have a width of not less than twenty-two (22) feet at one (1) point, and a minimum floor area in accordance with the residential district in which it is located.

4. Have a minimum "A" roof pitch of 3:12, conventional residential siding, and a minimum six (6) inch eaves overhang, including appropriate guttering.

5. Be permanently installed upon and properly attached to a continuous perimeter foundation that meets the manufacturer's installation requirements and applicable state regulations and the county building code, and shall be connected to appropriate utilities, including sewage treatment and water supply.

6. Conform to all residential district regulations for the district in which it is located.

B. In addition to the above regulations, the owner shall surrender the title to the manufactured home to the appropriate county department upon its placement on a permanent foundation, which shall be notice to the county auditor to tax the manufactured home as real property.

Section 402.12 Licensed Residential Facilities [O.R.C. Sections 5119.34(B)(1)(b) and 5123.19(A)(5)(a)]

Regulations for a licensed residential facility as defined in O.R.C. Sections 5119.34(B)(1)(b) and 5123.19(A)(5)(a) and which is operated pursuant to O.R.C. Sections 5119.341(A) and 5123.19(M) respectively shall include the following:

A. The area, height, and yard requirements for the residential zoning district in which the licensed residential facility is located shall be met.

B. Proof of compliance with applicable state regulations regarding licensing of the licensed residential facility shall be provided to the zoning inspector.

C. There shall be no more than one (1) detached licensed residential facility on a lot.

Section 402.13 Exterior Lighting

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 two thousand five hundred (2,500) lumens or more shall be of the full cutoff type. Such exterior lighting fixtures shall be installed so that they operate at all times as full cutoff fixtures as defined in this resolution. Exterior light poles and fixtures shall be setback from all lot lines a minimum of _____ feet and the maximum height shall be _____ feet.

Section 402.14 Fire Protection Ponds

A. A major subdivision containing _____ or more total sublots, or a building or group of buildings on a lot containing more than _____ 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 _____ Fire Department, unless the fire department notifies the zoning inspector in writing that the installation of such a pond is not required for the affected subdivision or lot.

B. 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 _____ Fire Department and shall be so located as to permit access by firefighting and emergency vehicles.

C. An application for the installation of a fire protection pond and dry hydrant shall be submitted by the owner in writing to the zoning inspector, who shall forward it to the _____ Fire Department within _____ days of receipt. The application shall include:

   1. Owner's name, address, and telephone number.

   2. Address and permanent parcel number(s) of the affected lot(s) or major subdivision location.

   3. A site plan prepared by a professional engineer or surveyor showing:

      a. The location and dimensions of the pond and the dry hydrant.

      b. The location and distance of the pond and dry hydrant to adjacent lot lines and roads.

      c. The water volume of the pond.

D. The _____ Fire Department shall provide the zoning inspector with written notification regarding the approval or denial of the proposed fire protection pond and dry hydrant within _____ days of receipt of the application.

E. No zoning certificate shall be required for the installation of a fire protection pond or dry hydrant, however, the zoning inspector shall not approve and sign a final plat for a major subdivision or issue a zoning certificate for a building or group of buildings on a lot containing more than _____ square feet of gross floor area until the standards and specifications of the _____ Fire Department have been met for the design and installation of the fire protection pond, the dry hydrant, and access thereto unless the fire department notifies the zoning inspector in writing that no pond and dry hydrant are required.

F. If the subdivision or development is phased, the fire protection pond and dry hydrant shall be constructed in the initial phase.

Note: Consult with your local fire department on the criteria for fire protection ponds and dry hydrants.

Section 402.15 Sewage Treatment Systems

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

Section 402.16 Temporary Uses

Note: The following regulations are subject to modification. For example, the uses listed, time frames, setbacks, and the requirement for a zoning certificate.

The following regulations allow for uses of a limited time duration that shall be completely removed from the lot upon the expiration of a set time period as set forth herein.

A. General regulations applying to temporary uses.

Temporary uses shall:

1. Not involve the construction, addition to or alteration of any permanent building or structure.

2. Not be located within landscaped or designated open space areas.

3. Not displace required off-road parking spaces and no parking within a road right-of way shall be permitted.

4. Be setback from all lot lines in accordance with the regulations for the zoning district in which located unless otherwise specified herein.

5. Comply with all other applicable regulations for the zoning district in which located.

6. Be completely removed within two (2) consecutive days after the expiration of the time period specified herein and as provided on the zoning certificate. This shall include all merchandise, signage, waste containers, and equipment.

7. Obtain a zoning certificate from the zoning inspector prior to the commencement of any activities on the lot.

B. Specific regulations applying to temporary uses.

1. Trailers for storage of equipment and office use during construction activities:

   a. Maximum time duration: One (1) year.

   b. Maximum number of trailers on a lot: Two (2).

   c. Minimum setbacks: Shall comply with the setbacks for the district in which located.

   d. Other: Shall comply with applicable water supply and sanitary sewage disposal regulations.

2. Portable storage containers or units:

   a. Maximum time duration: Thirty (30) consecutive days per calendar year.

   b. Maximum number of containers or units on a lot: Two (2).

   c. Minimum setbacks: Shall not be located in front of a principal building unless within the driveway and shall otherwise comply with the setbacks for the zoning district in which located.

   d. Other: The lot shall have an existing occupied principal building located on it.

3. Sale of seasonal merchandise (non-profit entities):

   a. Maximum time duration: Thirty (30) consecutive days and not more than two (2) times per calendar year.

   b. Minimum setbacks: Items offered for sale shall be setback a minimum of twenty (20) feet from all lot lines.

   c. Other: There shall be no parking or loading/unloading in the road right-of-way.

C. Prohibited temporary uses:

1. Any retail sales or display of goods, products, merchandise or services from vehicles.

2. Any retail sales or display of goods, products, merchandise or services within a road right-of-way.

Section 403.0 C: Commercial District

The purpose of the C Commercial District is to reasonably regulate and allow business, office, and retail uses that provide services and consumer products.

Section 403.1 Permitted Principal Buildings, Structures, and Uses

A. Agriculture subject to the regulations set forth in Article XVII.

B. Professional offices limited to:

Note: List specific types of professional offices allowed here.

C. Commercial buildings, structures, and uses limited to:

Note: List specific types of commercial uses allowed here.

Section 403.2 Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with, and incidental or subordinate to the permitted principal building, structure, or use)

Note: List specific accessory buildings, structures, and uses allowed here.

Section 403.3 Conditional Buildings, Structures, and Uses

Conditional buildings, structures, and uses may be allowed in accordance with Article V and the following conditions:

Note: List specific types of conditional uses allowed as well as specific conditions for each use here.

Section 403.4 Minimum Lot Area

The minimum lot area shall be _____ acres.

Section 403.5 Minimum Lot Frontage and Width

A. The minimum lot frontage and width shall be _____ feet, except for lots located on the arc of a permanent cul-de-sac road turnaround.

B. For any lot located on the arc of a permanent cul-de-sac road turnaround the minimum lot frontage shall be _____ feet at the front lot line and a minimum width of _____ feet at the building setback line.

Section 403.6 Minimum Yards

Note: If riparian setbacks have been adopted, suggest cross reference to Article XV.

A. The minimum yards for all buildings, structures, and uses except accessory buildings, structures, and uses shall be as follows:

   1. Front yard: _____ feet.

   2. Each side yard: _____ feet.

   3. Rear yard: _____ feet.

B. The minimum yards for all accessory buildings, structures, and uses shall be as follows:

   1. Front yard: _____ feet.

   2. Each side yard: _____ feet.

   3. Rear yard: _____ feet.

C. The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be as follows:

   1. Same as minimum front yard.

D. Buffer Zone.

   A buffer zone of not less than _____ feet in width shall be required wherever a residential district abuts a commercial district. No structure, building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the commercial district and on the same lot with the principal building, structure or use.

   All buffer zones abutting a residential 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 _____ feet upon installation. Evergreens shall be spaced _____ feet off center upon planting.

Section 403.7 Maximum Height

The maximum height requirement shall be as set forth in Section 402.7.

Section 403.8 Maximum Lot Coverage

The maximum lot coverage shall be _____ percent (____%).

Section 403.9 Permitted Buildings, Structures, and Uses in Required Yards

Permitted buildings, structures, and uses in required yard areas shall be as set forth in Sections 402.10, 403.13, and 403.14.

Section 403.10 Minimum Distance Between Buildings

The minimum distance between detached buildings on a lot shall be _____ feet. The minimum distance between detached buildings on the same lot shall be measured in a straight line from the exterior wall or foundation of a building to the nearest exterior wall or foundation of another building.

Section 403.11 Exterior Lighting

All sources of exterior illumination of a building, structure, or lot shall be installed in accordance with Section 402.13.

Section 403.12 Fire Protection Ponds

A fire protection pond shall be constructed on a lot in accordance with Section 402.14.

Section 403.13 Exterior Display or Sales Areas

Exterior display or sales areas for goods and merchandise in connection with the principal building, structure, or use of the lot shall be a minimum of _____ feet from any front lot line and a minimum of _____ feet from any side or rear lot lines. Exterior sales or display areas for goods and merchandise shall not be located within any off-road parking spaces, loading/unloading spaces or driveways on a lot.

Section 403.14 Exterior Storage Areas and Trash Receptacles

A. Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, structure or use of the lot shall be a minimum of _____ feet from any front lot line and a minimum of _____ feet from any side or rear lot lines, unless otherwise specified in this resolution. No exterior storage shall be located in front of any principal building.

B. 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 _____ feet from any side or rear lot lines.

Section 403.15 Sewage Treatment Systems

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

Section 403.16 Temporary Uses

Temporary uses as set forth in Section 402.16.

Section 404.0 I: Industrial District

The purpose of the I Industrial District is to reasonably regulate and allow light manufacturing, research, assembly, and service uses.

Section 404.1 Permitted Principal Buildings, Structures, and Uses

Note: List specific uses allowed here.

Agriculture subject to the regulations set forth in Article XVII.

Section 404.2 Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with, and of a nature customarily incidental or subordinate to the permitted principal building, structure, or use)

Note: List specific accessory buildings, structures, and uses allowed here.

Section 404.3 Conditional Buildings, Structures, and Uses

Conditional buildings, structures, and uses may be allowed in accordance with Article V and the following conditions:

Note: List specific conditional uses allowed as well as specific conditions for each here.

Section 404.4 Minimum Lot Area

The minimum lot area shall be _____ acres.

Section 404.5 Minimum Lot Frontage and Width

A. The minimum lot frontage and width shall be _____ feet, except for lots located on the arc of a permanent cul-de-sac road turnaround.

B. For any lot located on the arc of a permanent cul-de-sac road turnaround, the minimum lot frontage shall be _____ feet at the front lot line and a minimum width of _____ feet at the building setback line.

Section 404.6 Minimum Yards

Note: If riparian setbacks have been adopted, suggest cross reference to Article XV.

A. The minimum yards for all buildings, structures, and uses except accessory buildings, structures, and uses shall be as follows:

1. Front yard: _____ feet.

2. Each side yard: _____ feet.

3. Rear Yard: _____ feet.

B. The minimum yards for all accessory buildings, structures, and uses shall be as follows:

1. Front yard: _____ feet.

2. Each side yard: _____ feet.

3. Rear yard: _____ feet.

C. The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be as follows:

1. Same as minimum front yard.

D. Buffer Zone.

A buffer zone of not less than _____ feet in width shall be required wherever a residential district abuts an industrial district. No structure, building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the industrial district and on the same lot with the principal building, structure, or use.

All buffer zones abutting a residential 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 _____ feet upon installation. Evergreens shall be spaced _____ feet off center upon planting.

Section 404.7 Maximum Height

The maximum height requirement shall be as set forth in Section 402.7.

Section 404.8 Maximum Lot Coverage

The maximum lot coverage shall be _____ percent (____%).

Section 404.9 Permitted Buildings, Structures, and Uses in Required Yards

Permitted buildings, structures, and uses in required yard areas shall be as set forth in Sections 402.10, 403.13, and 403.14.

Section 404.10 Minimum Distance Between Buildings

The minimum distance between detached buildings on a lot shall be _____ feet. The minimum distance between detached buildings on the same lot shall be measured in a straight line from the exterior wall or foundation of a building to the nearest exterior wall or foundation of another building.

Section 404.11 Exterior Lighting

Exterior lighting fixtures shall be installed in accordance with Section 402.13.

Section 404.12 Fire Protection Ponds

A fire protection pond shall be constructed on a lot in accordance with Section 402.14.

Section 404.13 Exterior Display or Sales Areas

Exterior display or sales areas for goods and merchandise in connection with the principal building, structure, or use of the lot shall be a minimum of _____ feet from any front lot line and a minimum of _____ feet from any side or rear lot lines. Exterior sales or display areas for goods and merchandise shall not be located within any off-road parking spaces, loading/unloading spaces or driveways on a lot.

Section 404.14 Exterior Storage Areas and Trash Receptacles

A. Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, structure or use of the lot shall be a minimum of _____ feet from any front lot line and a minimum of _____ feet from any side or rear lot lines, unless otherwise specified in this resolution. No exterior storage shall be located in front of any principal building.

B. 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 _____ feet from any side or rear lot lines.

Section 404.15 Sewage Treatment Systems

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

Section 404.16 Temporary Uses

Temporary uses as set forth in Section 402.16.

ARTICLE V

CONDITIONAL USES

Section 500.0 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.

Section 500.1 Contents of an Application for a Conditional Zoning Certificate

Written application for a conditional zoning certificate shall be made on forms provided by the zoning inspector 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.

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), or both.

All completed applications for a conditional zoning certificate shall be submitted to the zoning inspector and shall include, at a minimum, the following information. The zoning inspector or the board of zoning appeals may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution.

A. The name, address, telephone number, fax number, and e-mail address of the applicant.

B. The name, address, telephone number, fax number, and e-mail address of the owner of record.

C. The address of the lot, if different from the applicant's current address, and PPN.

D. The names, addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road from the subject lot).

E. Documentation as to authority to make application (e.g. deed, power of attorney, lease or purchase agreement).

> **Note: If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.**

F. A copy of the deed and legal description for the lot, as recorded with the Geauga County Recorder.

G. The current zoning district in which the lot is located.

H. A description of the existing use of the lot.

I. A description of the proposed use of the lot.

J. Two (2) copies of a plan or map drawn to scale, with a north arrow and date showing the following information:

1. The dimensions (in feet) of all lot lines and the total acreage of the lot.

2. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.

3. The setback (in feet) from all lot lines of existing buildings, structures, and uses on the lot, if any.

4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures; and, a copy of the floor plan for each floor of the building or structure.

6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).

7. The setback (in feet) from all lot lines of proposed buildings, structures, and uses on the lot or of any addition or structural alteration to existing buildings or structures; and, the distance between existing and proposed detached buildings and structures.

8. The height (in feet) of existing buildings or structures on the lot.

9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

10. The name and location of the existing road(s), public and private, adjacent to the lot.

11. The number of dwelling units existing (if any) and proposed for the lot.

12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.

13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.

14. For nonresidential, commercial, and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.

15. The location and dimensions (in feet) of any existing or proposed easements on the lot.

16. The location and description of any existing and proposed landscaping and buffer areas on the lot.

17. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.

18. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.

19. For nonresidential, commercial, and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.

20. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

K. Provide the type and design of any sign(s).

1. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing:

   a. The dimensions (in feet) of the sign.

   b. The area of the sign (per sign face) in square feet.

   c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.

   d. The height (in feet) of the sign.

   e. The method of illumination, if any.

   f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).

L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.

M. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.

N. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The “water management and sediment control” regulations set forth in Article XVI may apply and may be required as a part of the application.

O. The “General Standards for Conditional Uses” listed under Section 505.0 may apply and may be required as a part of the application.

P. The “riparian setback” regulations set forth in Article XV may apply and may be required as a part of the application.

Note: Optional regulation.

Q. The application fee.

Section 500.2 Transmittal of an Application to the Board of Zoning Appeals

Within seven (7) days after the receipt of a completed application for a conditional zoning certificate, the 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.

Section 501.0 Meeting of the Board of Zoning Appeals

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.

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 pursuant to O.R.C. 519.15 at least ten (10) days before the date of such hearing and decide the application within a reasonable time after it is submitted. Notice of any continued public hearings shall be given pursuant to O.R.C. 519.15 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.

Section 501.1 Action by the Board of Zoning Appeals

A. Hearings and decisions before the board of zoning appeals shall be conducted in accordance with Article X, Section 1002.4 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. Section 2505.07 for purposes of appeal to the court of common pleas pursuant to O.R.C. Section 2506.

Section 502.0 Issuance of a Conditional Zoning Certificate

Upon receiving written notice of the approval of an application for a conditional zoning certificate as provided by Section 501.1, the zoning inspector shall issue a conditional zoning certificate to the applicant.

Section 503.0 General Conditions for Conditional Zoning Certificates

All conditional zoning certificates shall contain the following conditions, in addition to those specifically required by other sections of this zoning resolution and those required by the board of zoning appeals.

A. A conditional zoning certificate shall not be transferred or assigned and a change of ownership shall require the new property owner to obtain a new conditional zoning certificate.

B. A conditional zoning certificate for any of the uses provided herein shall be valid for a period not to exceed _____ years from the date of issuance.

Section 504.0 Revocation of a Conditional Zoning Certificate for the Extraction of Minerals per O.R.C. Section 519.14(D)

A conditional zoning certificate for the extraction of minerals shall be revoked by the board of zoning appeals if:

A. The conditional zoning certificate has been issued in error.

B. The conditional zoning certificate was issued based upon a false statement by the applicant.

C. 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.

D. The conditional use described therein is voluntarily discontinued for a period of two (2) years or more.

E. Any of the conditions set forth in the conditional zoning certificate are violated.

Note: Section 504.0 above relates to revocation of a conditional zoning certificate for the extraction of minerals (surface mining). For the revocation of conditional zoning certificates issued for other uses, the following Section 504.0 "Revocation of Conditional Zoning Certificate" on Page V-6 applies. Use this text if your township zoning resolution does not permit the extraction of minerals.

Section 504.0 Revocation of a Conditional Zoning Certificate

Note: Use this version of Section 504.0 if your township zoning resolution does not allow for the extraction of minerals (surface mining).

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

A. The conditional zoning certificate has been issued in error.

B. The conditional zoning certificate was issued based upon a false statement by the applicant.

C. 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.

D. The conditional use described therein is voluntarily discontinued for a period of two (2) years or more.

E. Any of the conditions set forth in the conditional zoning certificate are violated.

Section 504.1 Procedure for the Revocation of a Conditional Zoning Certificate for the Extraction of Minerals per O.R.C. Section 519.14(D)

The board of zoning appeals shall notify the holder of the conditional zoning certificate by certified mail of its intent to revoke said certificate and the holder's right to a hearing before the board, within thirty (30) days of the mailing 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 the holder's attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the board 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.

When a conditional zoning certificate has been declared revoked by the board of zoning appeals, written notice of its revocation shall be sent by certified mail (return receipt requested) to the holder 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.

Note: Section 504.1 above relates to the extraction of minerals (surface mining). The following procedure Section 504.1 "Procedure for Revocation of a Conditional Zoning Certificate" on Page V-7 applies to the revocation of conditional zoning certificates issued for other uses. Use this text if your township zoning resolution does not permit extraction of minerals.

Section 504.1 Procedure for the Revocation of a Conditional Zoning Certificate

Note: Use this version of Section 504.1 if your township zoning resolution does not permit mineral extraction (surface mining).

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 holder 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 as well as the right of the holder of the conditional zoning certificate to appeal to the board of zoning appeals in accordance with Article X 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 conditional zoning certificate shall cease unless and until a new conditional zoning certificate has been issued.

Section 505.0 General Standards for Conditional Uses

In addition to the specific requirements for conditional uses specified in Article IV 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:

A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site.

B. 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, law enforcement, ambulance and other safety vehicles and will not interfere with traffic on adjacent roads. A traffic impact study by a qualified traffic engineer may be required.

C. The size and number of proposed off-road parking spaces and loading/unloading spaces (if applicable) are adequate and are in accordance with the provisions of Article VI of this resolution.

D. The type, size, location and number of proposed signs are in accordance with the provisions of Article VII of this resolution.

E. The proposed use will be compatible with the township land use plan.

F. The proposed use will not be hazardous or disturbing to existing neighboring uses.

G. The proposed use will be served adequately by essential public facilities including roads, law enforcement 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.

H. 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.

I. 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.

J. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

ARTICLE VI

PARKING AND LOADING/UNLOADING SPACES

Section 600.0 General Requirements for Parking and Loading/Unloading Spaces in 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 are to be used only for the parking or loading/unloading of vehicles.

B. All parking and loading/unloading spaces shall be located 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 shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, and roads.

E. In the _____ zoning district(s), 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, including concrete or asphalt. In the _____ zoning district(s), asphalt, concrete or aggregate material may be utilized. Provided, however, the regulations contained in Section 608.0 may apply.

F. The owner or lessee of the property used for parking and loading/unloading spaces shall maintain such areas in good repair and a safe 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. Parking and loading/unloading areas and spaces shall be repaired or appropriate maintenance conducted within _____ days of the date that written notification is provided to the owner or lessee of the affected lot or premises by the zoning inspector.

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, unless aggregate material is permitted, 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. Driveways providing access to a parking lot and aisles delineating interior circulation patterns within a parking lot shall maintain the following minimum standards:

1. For one-way traffic the minimum width of driveways and aisles shall be _____ feet.

2. Driveways and aisles for two-way traffic shall have a minimum width of _____ feet.

3. There shall be no more than _____ 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 _____ feet apart, measured from the centerline of each driveway in a perpendicular fashion.

K. Parking and loading/unloading spaces shall not be located in the minimum front, side, or rear yard of any lot. Off-road parking spaces shall be setback a minimum of _____ feet from the road right-of-way and _____ feet from any side or rear lot line. A fully landscaped strip, not less than _____ feet in width, shall be located between the road right-of-way and any off-road parking spaces. Internal landscaped islands within off-road parking areas to delineate the end of aisles and to act as stormwater detention devices shall be required. 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 _____ feet from any side or rear lot line.

L. 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.

Section 601.0 Number of Off-Road Parking Spaces Required

A. In all zoning districts, the minimum number of off-road parking spaces provided shall be in accordance with the following schedule of requirements:

Use	Minimum Number of Parking Spaces Required
List Uses Allowed by Zone	**List Spaces Required for Each Use**

B. In the zoning district(s), the maximum number of off-road parking spaces allowed shall be _____ percent (____%) more than the minimum number of such spaces for the use specified herein.

Section 602.0 Size of Parking Spaces

The width of a parking space shall be a minimum of _____ feet and the length shall be a minimum of _____ feet. The total area of a parking space shall be a minimum of _____ square feet.

Section 603.0 Number of Loading/Unloading Spaces Required

For commercial and industrial uses permitted by this resolution, one (1) loading/unloading space shall be provided for each use with a minimum floor area of _____ square feet.

One (1) additional loading/unloading space shall be provided for each _____ square feet of floor area above the minimum of _____ square feet.

Section 604.0 Size of Loading/Unloading Spaces

The width of a loading/unloading space shall be a minimum of _____ feet and the length shall be a minimum of _____ feet. The total area of a loading/unloading space shall be a minimum of _____ square feet.

Section 605.0 Determination of the Number of Parking and Loading/Unloading Spaces Required

A. The collective or shared provision of parking and loading/unloading spaces for two (2) or more uses 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.

B. Whenever a lawfully existing building, structure, or use is enlarged, reconstructed, or structurally altered so as to increase its floor area, additional parking and loading/unloading spaces shall be provided on the basis of the floor area of such enlargement, reconstruction, or structural alteration.

C. If fractional spaces result, the number of spaces required shall be determined to be the next highest whole number, if the fraction is one-half (1/2) or more.

D. “Banking” of off-road parking spaces may be permitted, provided that such spaces are permanently reserved by a recorded deed restriction for the affected lot. Such restriction shall not be extinguished without the prior approval of the zoning inspector for a permitted use or the board of zoning appeals for a conditional use, and shall state that the areas reserved for future parking shall be maintained as landscaped open space unless and until they are required to be used for off-road parking by the zoning inspector. Such land banked spaces shall be included in the calculation of lot coverage as required by this resolution.

Section 606.0 Driveways

A. A driveway in the residential zoning district(s) shall be setback a minimum of _____ feet 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 constructed of a durable all-weather surface as provided in Section 600.0(E), and shall be a minimum of _____ feet in width and a maximum of _____ feet in width, unless otherwise specified herein.

B. A driveway in the commercial and industrial zoning districts shall be setback a minimum of _____ feet 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 constructed of a durable all-weather surface as provided in Section 600.0(E), and shall be a minimum of _____ feet in width and a maximum of _____ feet in width, unless otherwise specified herein.

C. If a driveway intersects a state, county, or township road a driveway culvert pipe or access 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 _____ feet from a county or township road intersection, measured in a perpendicular fashion from the edge of the road right-of way to the edge of the driveway. The minimum driveway setback in any zoning district from a state highway intersection shall be in accordance with the applicable regulations of the Ohio Department of Transportation.

E. Regulations for driveways serving a parking lot shall be in accordance with Section 600.0.

F. A driveway shall have a minimum overhead height clearance of _____ feet that is free of branches from vegetation or trees, wiring, or any other obstruction in order to provide access by firefighting and emergency vehicles.

G. Bridges and culvert pipes outside of the road right-of-way associated with driveways shall be setback a minimum of _____ feet from all lot lines. The zoning inspector shall require approval of a bridge or culvert pipe by the fire department prior to installation, to ensure it will support firefighting apparatus with a minimum weight of _____ pounds.

Section 607.0 Handicapped Parking

Off-road 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 regulations, including the federal Americans with Disabilities Act (ADA).

Section 608.0 Pervious Pavement or Pervious Pavement Systems

In the _____ zoning district(s), pervious pavement or pervious pavement systems, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel and reinforced turf grass or gravel with overlaid or embedded meshes are permitted within off-road parking areas. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems shall comply with the following regulations:

A. In non-residential zoning districts and for uses other than residential, pervious pavement or pervious pavement systems, except for pervious asphalt or pervious concrete, shall not be used for driveways, driveway aisles, or loading/unloading spaces.

B. Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking spaces that are not utilized for required parking and that are not occupied on a daily or regular basis.

C. Pervious pavement or pervious pavement systems shall not allow parking spaces to be located anywhere not otherwise permitted by this resolution.

D. Pervious pavement or pervious pavement systems shall not apply to any landscaping or open space area as may be required by this resolution.

E. Pervious pavement or pervious pavement systems shall be prohibited in areas on a lot used for the dispensing of gasoline or other engine fuels or where hazardous liquids may be absorbed into the soil through the pervious pavement or pervious pavement system.

F. Areas damaged by snow plows or other vehicles shall be promptly repaired. There shall be no seal coating of any pervious asphalt or concrete surfaces. Any aggregate material that may migrate from the pervious pavement system onto any adjacent paved areas shall be swept and removed regularly. Pervious asphalt surfaces or concrete shall be swept on a regular basis. Deed restrictions shall be prepared and recorded with the office of the county recorder that specify the pervious asphalt and concrete pavement on the affected lot shall be regularly swept and that seal coating is prohibited. A copy of the recorded restrictions shall be provided to the zoning inspector.

G. Written documentation shall be included as a part of the WMSC Plan submission as required by Article XVI of this resolution concerning the installation and maintenance of the pervious pavement or pervious pavement system on a lot.

H. Pervious pavement or pervious pavement systems may utilize alternative marking to indicate the location of the parking spaces, including, but not limited to, markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

I. The area within pervious pavement or pervious pavement systems shall not be included in calculating the maximum lot coverage as specified in this resolution for the affected zoning district(s).

J. The site plan required as a part of the application for a zoning certificate or a conditional zoning certificate shall show the dimensions and area devoted to pervious pavement or pervious pavement systems, the dimensions of each space and total number of parking spaces, and the specific material(s) to be installed. Such materials shall be installed in accordance with the manufacturer's specifications.

Section 609.0 Parking or Storage of Vehicles and Equipment

A. The parking or storage of backhoes, bulldozers, and other similar construction equipment, other than equipment temporarily used for construction upon the affected lot, shall be prohibited outside of a fully enclosed building in any residential zoning district. In all other nonresidential zoning districts, such equipment shall not be parked or stored in front of the principal building on a lot and shall be setback from all lot lines in accordance with the regulations for the zoning district in which it is located.

B. The parking or storage of commercial tractors as defined in O.R.C. Section 4501.01(D), semitrailers as defined in O.R.C. Section 4501.01(P), or any vehicle having a gross vehicle weight (gvw) of twenty-five thousand (25,000) pounds or more, other than for the purpose of making temporary delivery or service calls, shall be prohibited outside of a fully enclosed building in any residential zoning district. In all other nonresidential zoning districts, such commercial tractors, semitrailers, or vehicles with a gvw of twenty-five thousand (25,000) pounds or more shall not be parked or stored in front of the principal building on a lot unless they are within a driveway, parking or loading/unloading area pursuant to Section 600.0 and shall be setback from all lot lines in accordance with the regulations for the zoning district in which they are located.

C. Any vehicle, motor vehicle, passenger car, collector's vehicle, historical motor vehicle, noncommercial motor vehicle, bus, commercial car, trailer, noncommercial trailer, recreational vehicle, travel trailer, motor home, truck camper, fifth wheel trailer, park trailer, or chauffeured limousine as defined in O.R.C. Section 4501.01 shall not be parked or stored in front of the principal building on a lot in any zoning district unless it is within a driveway, parking or loading/unloading area pursuant to Section 600.0, or within a fully enclosed building, and shall be setback from all lot lines in accordance with the regulations for the zoning district in which it is located.

Section 610.0 Traffic Visibility at Road Intersections

A. No obstruction including structures, parking of vehicles or landscaping shall be permitted in any zoning district that blocks or impedes clear sight distance at intersecting roads.

B. At the intersection of state highways, the regulations contained in the most current version of the Ohio Department of Transportation "State Highway Access Management Manual" shall apply.

ARTICLE VII

SIGNS

Section 700.1 GENERAL

Sign regulations, including provisions to control the size, location, illumination, and maintenance of signs, are hereby established in order to promote the public health, safety and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this Article is intended to achieve, among others, the following purposes:

A. To allow businesses, institutions, and individuals to exercise their right to free speech by displaying an image on a sign, and to allow audiences to receive such information.
B. To promote and maintain visually attractive, residential, retail, commercial, historic open space and industrial districts.
C. To ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
D. To protect property values.
E. To promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions.
F. To protect and preserve the aesthetic quality and physical appearance of the Township.

The Township seeks to protect the rights of free speech and not infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, §11 of the Ohio Constitution. All provisions in this Article are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of residents and visitors to speak freely.

Section 700.2 SUBSTITUTION CLAUSE

The owner of any sign which is otherwise allowed by this resolution may substitute non-commercial copy in lieu of any other copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

Section 701.0 General Requirements for all Signs

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

1. 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. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed upon a public or private road or adjacent lots so as to cause glare or reflection that may

constitute a traffic hazard, nuisance, or distraction.

2. No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention, including strings of lights.

3. 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, excluding such signs specifically designed or required by applicable building or fire codes.

4. No sign or part thereof shall emit sound, be inflatable, or contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices.

5. No sign shall be placed within any public right-of-way except governmental or public utility signs. No signs shall be placed on a public utility pole, except by a public utility.

6. 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 prohibited.

Section 702.0 Prohibited Signs in all Districts

A. The following signs shall be prohibited in all zoning districts:

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

2. Signs that interfere with, imitate or resemble an official governmental sign, signal, or device.

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

4. Roof signs.

Note: Optional regulation.

5. Mobile signs.

Note: Optional regulation.

6. Any sign not otherwise permitted in this resolution.

Section 703.0 Governmental Signs Exempted

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

Section 704.0 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 regulations:

1. In addition to Section 705(A), one (1) sign per lot, dwelling unit, or use with a maximum area of _____ square feet per sign face.

2. Entrance, loading, unloading, and exit) signs with a maximum area of _____ square feet per sign face.

3. _____ (#) temporary sign for every _____ lineal foot of road frontage may be erected only with the permission of the owner of the premises and shall not be posted on or erected in any place or in any manner which is destructive to property upon erection or removal. A minimum of one (1) sign is permitted regardless of the amount of road frontage. A temporary sign shall not be erected within a public road right-of-way nor shall any such sign be posted on a utility pole or utility or traffic control box. The maximum area of a temporary sign shall be _____ square feet per sign face and the maximum height shall be _____ feet. A temporary sign shall not be illuminated by any means.

4. Window Signs: _____ percent of the window area may be covered by a sign.

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

Section 705.0 Signs Permitted in a Residential Zoning District Requiring a Zoning Certificate (see also Section 704.0)

A. Only the following 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 regulations:

1. Each non-residential use, whether permitted by right or conditionally, located in a residential zoning district may be permitted only one (1) of the following signs on a lot: wall or monument.

   a. Wall signs shall have a maximum area of _____ square feet per sign face.

   b. Monument signs shall have a maximum area of _____ square feet per sign face.

2. One (1) monument sign per platted residential subdivision with a maximum area of _____ square feet per sign face. One (1) additional monument sign is permitted per each road frontage, however, there shall be no more than _____ monument signs per platted residential subdivision. Such sign(s) shall not exceed a height of _____ feet

from final grade. Such sign shall be maintained by the owner of the real property upon which the sign is located or a Homeowner's Association, if applicable, and shall be designated on the final subdivision plat within a dedicated sign and landscaping easement or a separately recorded easement instrument.

B. No sign shall be illuminated by any means in any residential zoning district unless in compliance with Section 701(A).

Section 706.0 Signs Permitted in the Commercial, Industrial, and Nonresidential Zoning Districts (see also Section 704.0)

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

1. Each use may be permitted one (1) of the following signs on a lot: wall, projecting, or marquee. Such signs shall not exceed one (1) square foot of area per lineal foot of tenant wall width with a maximum area of _____ square feet. A business located on a corner lot shall be permitted one (1) additional wall sign per dedicated road frontage.

   a. Projecting signs shall not extend more than _____ feet measured from the face of the building to which such sign is attached.

   b. Marquee signs shall not extend more than _____ feet measured from the face of the building to which such sign is attached.

2. In addition to a wall, projecting, or marquee sign, one (1) monument or pylon sign may be permitted on the premises. Such sign shall not exceed _____ square feet per sign face in area.

   a. One (1) additional monument or pylon sign is permitted per each dedicated road frontage, however, there shall be no more than _____ monument or pylon signs per premises.

   b. Monument/pylon signs on the same lot shall be separated by a minimum of _____ hundred feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing.

3. In lieu of the permitted monument or pylon sign in paragraph 2 above, one (1) or more groups of uses within the same building, buildings, structure or structures, and located on the same lot, may be permitted one (1) sign for all uses. Such signs shall be a monument or pylon sign and shall have a maximum area of _____ square feet per sign face.

Section 707.0 Measurement of Sign Area

The surface or face of a sign shall be computed as including the entire area within a regular, geometric form or 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.

Section 708.0 Measurement of Sign Height

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.

Section 709.0 Maximum Height Requirements

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

B. Monument signs shall have a maximum height of _____ feet.

C. Pylon signs shall have a maximum height of _____ feet.

Section 710.0 Minimum Yard Requirements

A. Monument or pylon signs shall have a minimum setback of _____ feet from the front lot line.

B. Monument or pylon signs shall have a minimum setback of _____ feet from the side and rear lot lines.

C. If the lot on which a monument or pylon sign is to be located is adjacent to any residential zoning district, then the minimum setback shall be _____ feet measured from the nearest residential zoning district boundary.

Section 711.0 Removal of Damaged Legal Nonconforming Signs

If the sign face of any legal 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. Legal nonconforming sign(s) must be removed if the use of the property associated with the sign has been discontinued for a period of ____ years.

Section 712.0 Billboards

A. Conditional Zoning Certificate Required.

A billboard is an off-premise~~s~~ 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 V. No billboard shall be located, erected, constructed, reconstructed, enlarged or altered without first obtaining a conditional zoning certificate in accordance with this resolution. Alteration 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.

A billboard shall be classified as a business use and may be allowed in any [provide commercial and industrial zone designation] district or on lands used for agricultural purposes as defined in this resolution. Billboards shall be prohibited in all other zoning districts.

B. Conditions.

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.

1. There shall be no more than _____ 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 _____ direction. There shall not be more than _____ billboard structure with a maximum of _____ sign faces on a lot.

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

3. 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.

4. Billboards shall be spaced a minimum of _____ 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.

5. A billboard shall be set back a minimum of _____ 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.

6. A billboard shall be set back a minimum of _____ feet from 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.

7. A billboard shall be set back a minimum of _____ feet from any front lot line. The setback shall be measured from the front lot line to the nearest portion of the billboard.

8. A billboard shall be set back a minimum of _____ feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.

9. A billboard shall be set back a minimum of _____ feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.

10. A billboard shall be set back a minimum of _____ feet 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.

11. A billboard shall be set back a minimum of _____ 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.

12. The maximum height of a billboard shall be _____ 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.

13. The maximum sign face of a billboard shall be _____ square feet.

14. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.

15. A billboard projecting over a driveway shall have a minimum clearance of _____ feet between the lowest point of the sign and the finished driveway grade.

16. 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.

17. A billboard shall not employ any elements which revolve, whirl, spin or otherwise make use of motion.

18. All wiring, fittings, and materials used in the construction, connection and operation of a billboard shall comply with the applicable provisions of the building and electrical codes enforced by the Geauga County Building Department. Proof of compliance with such codes shall be provided by the applicant.

19. 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.

20. 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.

21. 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.

22. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.

23. The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.

24. 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.

Note: It is recommended that the board of township trustees submit a copy of the regulations adopted concerning billboards to the Director of the Ohio Department of Transportation, after they have taken effect.

Section 713.0 Changeable copy signs

Changeable copy signs shall be a permitted use in the _____ zoning district(s) and shall be subject to the applicable wall or monument/pylon sign regulations contained herein:

A. The maximum area devoted to the electronic digital display area or manual display area shall not exceed _____ percent (____%) of the area in each sign face.

B. The static electronic digital display shall be displayed for a minimum of _____ minutes/seconds.

C. The change to another static electronic digital display shall be instantaneous

D. The electronic digital display shall not include any image that moves, including animated, flashing, scrolling, intermittent or full motion elements of illumination.

E. If a malfunction occurs, the electronic digital display area of the sign shall automatically display a black screen.

F. There shall be no more than _____ wall or monument sign containing–changeable copy located on the premises.

G. An electronic message sign shall not emulate a traffic control device.

H. The electronic digital display intensity and the light intensity level of the display must be capable of being regulated and automatically adjust to natural ambient light conditions in order to avoid excessive glare. Such signs shall not exceed _____ foot candles as measure three (3) feet from the center of the face of the sign.

ARTICLE VIII

ALTERNATIVE ENERGY

Note: The following regulations are optional. The township may elect to classify the uses in this article as permitted or conditional.

Section 800.0 Solar Panels

Section 800.1 Definitions

A. ***"Freestanding solar panel"*** means a solar panel or an array of solar panels that is not attached to a building and is mounted on a structure attached to the ground.

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

C. ***"Solar panel"*** means a photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating.

D. ***"Solar panel array"*** means an integrated assembly of solar panels with a support structure or foundation and other components.

Section 800.2 Conditional Use

A solar panel or a solar panel array, whether freestanding or roof mounted, shall be classified as a conditional use in the _____[insert zoning districts]_____ zoning district(s) and shall be subject to the following conditions:

A. Roof mounted solar panels and solar panel arrays.

1. Roof line: Shall not extend beyond the roof line in any direction including the peak.

2. Roof projection: Shall not reflect any apparent change in relief or projection of any roof elevation.

3. Roof height projection: On a flat roof, shall not project vertically more than _____ feet from the surface of the roof.

4. Glare: Shall not be positioned so as to create glare on to adjacent roads or buildings on adjacent lots.

5. Other codes: Shall be installed in accordance with all applicable building and electrical codes.

6. Signage: Shall not have any signage attached except any owner's, manufacturer's and installer's identification and appropriate warning signage. The sign face of such signage shall not exceed _____ square feet.

7. Decommissioning: Shall be completely removed within _____ months of discontinuance of use.

8. Other Regulations: Shall be in accordance with all other applicable regulations for the zoning district in which located and the general conditions for conditional uses set forth in Article V.

9. Additional conditions: Shall comply with any additional conditions imposed by the board of zoning appeals as a part of the approval of the conditional zoning certificate.

B. Freestanding solar panels and solar panel arrays.

1. Location: Shall not be located in front of the principal building and shall not project past the width of the principal building.

2. Minimum setbacks: Shall be setback from all lot lines as follows:

   a. Front: _____ feet.

   b. Side: _____ feet. The minimum side yard contiguous with the road right-of-way for a corner lot shall be the same as the minimum front yard.

   c. Rear: _____ feet.

3. Minimum riparian setback: Shall comply with the setback from any watercourse, wetland or 100 year floodplain in accordance with Article XV, Section 1503.0.

   Note: This regulation applies only if riparian setback regulations have been adopted.

4. Height: Maximum height shall be _____ feet measured vertically from the finished grade level immediately adjacent to the mounting base of the solar panel to its highest point. A solar panel shall be subordinate in size and height to the building it serves.

5. Lot coverage: Maximum lot coverage shall be _____ percent (____%), measured as the area of the face of the solar panels.

6. Glare: Shall not be positioned so as to create glare on to adjacent roads or buildings on adjacent lots.

7. Other codes: Shall be installed in accordance with all applicable building and electrical codes.

8. Signage: Shall not have any signage attached except any owner's, manufacturer's and installer's identification and appropriate warning signage. The sign face of such signage shall not exceed _____ square feet.

9. Decommissioning: Shall be completely removed within _____ months of discontinuance of use and the affected area shall be fully restored to its preconstruction condition within _____ months from the date of such discontinuance.

10. Other regulations: Shall be in accordance with all other applicable regulations for the zoning district in which located, the general conditions for conditional uses set forth in Article V, and the WMSC regulations in Article XVI.

11. Additional conditions: Shall be subject to such additional conditions as may be reasonably required by the board of zoning appeals as a part of the approval of the conditional zoning certificate.

Section 801.0 Wind Energy Conversion Systems

Section 801.1 Definitions

A. ***"Economically significant wind farm"*** means wind turbines and associated facilities, whether publicly or privately owned, on a lot with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) megawatts or more. See Article I, Section 104.0(F).

B. ***"Shadow flicker"*** means the on and off shadow effect caused when the sun passes behind the blades attached to a wind turbine that is cast across the ground, buildings, or structures.

C. ***"Small wind farm (SWF)"*** means wind turbines and associated facilities on a lot with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts.

D. ***"Wind energy conversion system (WECS)"*** means equipment that converts and then stores or transforms kinetic energy from the wind into usable forms of energy. Such equipment includes, but is not limited to, an anchor base, airfoil, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wiring, inverter, batteries, or any other components used in the system. A WECS may include equipment that is used for pond aeration and/or pumping water.

E. ***"Wind energy conversion system tower"*** means a monopole that may be freestanding or attached to a building that supports a wind turbine.

F. ***"Wind turbine"*** means the parts of a wind energy conversion system including the blades or airfoils and associated mechanical and electrical conversion components mounted to a wind tower or a building.

Section 801.2 WECS Classified as a Conditional Use

A WECS, whether freestanding or mounted to a building, shall be classified as a conditional use in the _____[insert zoning districts]_____ zoning district(s) and shall be subject to the following conditions:

A. Conditions for a WECS:

1. Accessory use: A WECS shall be classified as an accessory use on a lot.

2. Connection: A WECS shall have an electrical connection to the principal building, structure, or use on the same lot on which it is located and may be connected to other accessory buildings, structures, or uses plus the electrical power grid utilized by the utility company.

3. Minimum lot area: The minimum lot area for a WECS shall be _____ acres.

4. Number: There shall be no more than _____ WECS on a lot.

5. Minimum setback from lot lines: A WECS tower shall be setback a minimum distance equal to _____ times its total height measured from all lot lines. Total height shall mean the vertical distance measured from the finished grade level at the base of the tower to the tip of the wind turbine blade or airfoil at its highest point. A WECS tower shall not have guy wires attached to it and shall be of monopole construction only. Lattice towers are prohibited.

6. Minimum riparian setback: A WECS tower shall be setback from a watercourse, a wetland, or a 100 year floodplain in accordance with the regulations in Article XV, Section 1503.0.

   Note: This regulation applies only if riparian setback regulations have been adopted.

7. Minimum setback from public buildings and uses: A WECS tower shall be setback a minimum of _____ feet from the following public buildings and uses:

   Note: List public buildings and uses here.

   Note: A minimum setback from public uses such as government offices, places of assembly, schools, recreational facilities, child day care facilities, libraries and the like may be considered.

8. Location on lot: A WECS shall not be located in front of the principal building on a lot.

9. Clearance: No portion of a WECS including blades shall extend within thirty-five (35) feet of the ground. No portion of a WECS may extend over parking areas, driveways, or overhead utility lines.

10. Climb prevention: A WECS tower shall not have climbing rungs within twenty (20) feet of the ground.

11. Lighting: A WECS shall not be artificially lighted unless required by Federal Aviation Administration (FAA) regulations.

12. Signage: No signs shall be attached or painted on a WECS except identification signage related to the manufacturer, installer, and owner and high voltage warning signage. Such signage shall be a maximum total sign face area of _____ square feet and shall not be lighted.

13. Wiring: All wiring from a WECS to any buildings, structures or connections shall be underground.

14. Color: If painted, a WECS shall be a non-reflective neutral color.

15. Maintenance: A WECS shall be maintained in working condition at all times, shall be structurally sound and free of surface defects.

16. Compliance with other regulations: The owner shall be responsible to secure any necessary approvals and inspections from other applicable departments and agencies; including but not limited to, the county building department, the fire department, and the FAA.

17. Over-speed controls: A WECS shall be equipped with manual and automatic over-speed controls to retain blade rotation speed within design limits.

18. Maximum height: The maximum height of a WECS shall be _____ feet measured vertically from the finished grade level at the base of the WECS tower to the tip of the blade or airfoil at its highest point.

19. Engineering study: A written engineering study by a qualified consultant retained by the owner that analyzes the potential effects of a WECS on the public safety microwave network maintained by the Geauga County Sheriff's office may be required. Said study shall be submitted to the Radio System Coordinator, Geauga County Sheriff's office, for review. A WECS shall not obstruct or otherwise detrimentally impact the radio signal and operation of the Geauga County public safety microwave network.

20. Rated capacity: A WECS shall have a maximum rated output capacity of _____ kW as specified by the manufacturer.

21. Noise: A WECS shall not emit noise exceeding _____ dBC (C-weighted) above the surrounding ambient level measured at the nearest lot line for an average period of five (5) minutes in any one (1) hour period.

Note: If a specific noise regulation is adopted, then the township will be responsible for enforcing it through the use of calibrated noise meter operated by a qualified consultant or by the zoning inspector trained in its use.

22. Meteorological device: A meteorological device may be used to collect wind measurement data prior to the location of a WECS on a lot. A meteorological device shall be a temporary use and shall be completely removed from the affected lot within one (1) year after its installation.

23. Mounting on a building: If mounted to a building other than a tower, a WECS shall comply with all of the applicable conditions set forth herein.

24. Design: The tower and foundation design shall be shall be certified by a registered professional engineer in the state of Ohio.

25. Application and site plan: In addition to the other requirements set forth in Article V, Section 500.1 a site plan drawn to scale shall be required and shall depict all of the items necessary to ensure compliance with all of the conditions set forth herein. Specific information on the type, size, rotor material, rated power output, performance, safety, and noise characteristics of all parts of the system, including the name and address of the component manufacturers model and serial numbers of all system components shall be provided and a statement from the manufacturer that the system meets all applicable electrical codes.

26. Shadow flicker: A shadow flicker study may be required to determine any negative impact on surrounding lots; or, buildings not on the same lot as the WECS.

27. Decommissioning: A WECS shall be completely removed within _____ months from discontinuance of use. The affected lot shall be fully restored to its preconstruction condition within _____ months from the date of such discontinuance.

28. Compliance with other provisions of zoning resolution: A WECS shall comply with all other applicable regulations for the zoning district in which it is located, the general provisions pertaining to conditional uses in Article V, and the WMSC regulations in Article XVI.

29. Additional conditions: A WECS shall be subject to such additional conditions as may be reasonably required by the board of zoning appeals as a part of its approval of a conditional zoning certificate.

Section 801.3 Small Wind Farm (SWF) Classified as a Conditional Use

A SWF shall be classified as a conditional use in the _____[insert zoning districts]_____ zoning district(s) and shall be subject to the following conditions:

A. Conditions for a Small Wind Farm:

1. Principal use: A SWF shall be classified as the principal use on a lot.

2. Minimum lot area: The minimum lot area for a SWF shall be _____ acres.

3. Number: There shall be no more than _____ WECS on a lot.

4. Minimum setback from lot lines: A WECS tower shall be setback a minimum distance equal to _____ times its total height measured from all lot lines. Total height shall mean the vertical distance measured from the finished grade level at the base of the tower to the tip of the wind turbine blade or airfoil at its highest point. A WECS tower shall not have guy wires attached to it and shall be of monopole construction only. Lattice towers are prohibited.

5. Minimum riparian setback: A WECS tower shall be setback from a watercourse, a wetland, or a 100 year floodplain in accordance with the regulations in Article XV, Section 1503.0.

   Note: This regulation applies only if riparian setback regulations have been adopted.

6. Minimum setback from zoning district boundary: A WECS tower shall be setback a minimum of _____ feet from any [residential] zoning district boundary as shown on the most current adopted version of the official township zoning map. The minimum setback shall be measured from the base of the WECS tower in a straight line to the [residential] zoning district boundary.

7. Location in relation to public buildings and uses: A WECS tower shall be setback a minimum of _____ feet from the following public buildings and uses:

   Note: List public buildings and uses here.

   Note: A minimum setback from public buildings and uses such as government offices, places of assembly, schools, recreational facilities, child day care facilities, libraries and the like may be considered.

8. Clearance: No portion of a WECS including blades shall extend within thirty-five (35) feet of the ground. No portion of a WECS may extend over parking areas, driveways, or overhead utility lines.

9. Climb prevention: A WECS tower shall not have climbing rungs within twenty (20) feet of the ground.

10. Fencing: The entire SWF lot shall be fully enclosed along its perimeter with a chain link fence consisting of one (1) inch mesh and eleven (11) gauge wire. The fence shall consistently be a minimum height of eight (8) feet. The chain link mesh shall be buried

in the ground along its entire length. The fence shall be gated to allow for ingress/egress of firefighting, emergency, and law enforcement vehicles and the gates shall be properly secured at all times.

11. Lighting: A WECS shall not be artificially lighted unless required by Federal Aviation Administration (FAA) regulations.

12. Signage: No signs shall be attached or painted on a WECS except identification signage related to the manufacturer, installer and owner and high voltage warning signage. Such signage shall be a maximum total sign face area of _____ square feet and shall not be lighted.

13. Wiring: All wiring from a WECS to any buildings, structures or connections shall be underground.

14. Color: If painted, a WECS shall be a non-reflective neutral color.

15. Maintenance: A WECS shall be maintained in working condition at all times, shall be structurally sound and free of surface defects.

16. Compliance with other regulations: The owner shall be responsible to secure any necessary approvals and inspections from other applicable departments and agencies; including but not limited to, the county building department, the fire department, and the FAA.

17. Over-speed controls: A WECS shall be equipped with manual and automatic over-speed controls to retain blade rotation speed within design limits.

18. Maximum height: The maximum height of a WECS shall be _____ feet measured vertically from the finished grade level at the base of the WECS tower to the tip of the blade or airfoil at its highest point.

19. Engineering study: A written engineering study by a qualified consultant retained by the owner that analyzes the potential effects of a WECS on the public safety microwave network maintained by the Geauga County Sheriff's office. Said study shall be submitted to the Radio System Coordinator, Geauga County Sheriff's office, for review. A WECS shall not obstruct or otherwise detrimentally impact the radio signal and operation of Geauga County public safety microwave network.

20. Rated capacity: A WECS shall have a maximum rated output capacity of _____ kW as specified by the manufacturer.

21. Noise: A WECS shall not emit noise exceeding _____ dBC (C-weighted) above the surrounding ambient level measured at the nearest lot line for an average period of five (5) minutes in any one (1) hour period.

Note: If a specific noise regulation is adopted, then the township will be responsible for enforcing it through the use of a calibrated noise meter operated by a qualified consultant or by the zoning inspector trained in its use.

22. Driveways: Any driveway(s) for ingress/egress to a SWF shall be constructed of a suitable all-weather surface consisting of aggregate material, asphalt, or concrete, shall be a minimum width of _____ feet and shall be setback a minimum of _____ feet from all lot lines. Turnaround area(s) of a suitable size for firefighting and emergency vehicles shall be provided.

23. Delivery routing: The delivery route of equipment associated with a SWF shall be provided. A suitable performance bond or other financial guarantee to be determined by the township shall be posted in order to address any damage to public roads that are maintained by the board of township trustees.

24. Meteorological device: A meteorological device may be used to collect wind measurement data prior to the location of a WECS on a lot. A meteorological device shall be a temporary use and shall be completely removed from the affected lot within one (1) year after its installation.

25. Design: The tower and foundation design shall be shall be certified by a registered professional engineer in the state of Ohio.

26. Application and site plan: In addition to the other requirements set forth in Article V, Section 500.1 a site plan prepared by a professional engineer registered in the state of Ohio drawn to scale shall be required and shall depict all of the items necessary to ensure compliance with all of the conditions set forth herein. Specific information on the type, size, rotor material, rated power output, performance, safety, and noise characteristics of all parts of the system, including the name and address of the component manufacturers model and serial numbers of all system components shall be provided and a statement from the manufacturer that the system meets all applicable electrical codes.

27. Shadow flicker: A shadow flicker study may be required to determine any negative impact on surrounding lots; or, buildings not on the same lot as the WECS.

28. Environmental impact: An environmental impact study may be required by a qualified consultant to examine the effects of the SWF on the physical characteristics of the affected lot and to ensure that it is in conformity with applicable federal, state, county and other regulatory requirements.

29. Decommissioning: A WECS shall be completely removed within _____ months from discontinuance of use. The affected lot shall be fully restored to its preconstruction condition within _____ months from the date of such discontinuance.

30. Compliance with other provisions of zoning resolution: A SWF shall comply with all other applicable regulations for the zoning district in which it is located, the general provisions pertaining to conditional uses in Article V, and the WMSC regulations in Article XVI.

31. Additional conditions: A SWF shall be subject to such additional conditions as may be reasonably required by the board of zoning appeals as a part of its approval of a conditional zoning certificate.

Section 802.0 Outdoor Wood-Fired Boilers

Section 802.1 Definitions

A. ***"Chimney"*** means a flue that carries off exhaust from an OWB firebox or burn chamber.

B. ***"Natural wood"*** means natural seasoned hardwood and shall not include any wood that has been pressure treated, painted, varnished or coated with a similar material, and shall not contain resins or glues found within plywood or composite wood products.

C. ***"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 for 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 (USEPA) Outdoor Wood-fired Hydronic Heater (OWHH) Phase 2 Program qualified model that is in compliance with the USEPA OWHH Phase 2 emission level and has the proper qualifying label and hangtag or any subsequent USEPA qualified model that is in compliance with the most current USEPA emission level.

Section 802.2 Conditional Use

An OWB shall be classified as a conditional use in the _____[insert zoning districts]_____ zoning district(s) and shall be subject to the following conditions:

A. Conditions for an outdoor wood-fired boiler (OWB).

1. Accessory use: An OWB shall be classified as an accessory use and shall be connected to the principal building, structure, or use on the same lot on which it is located; and, it may be connected to other accessory buildings, structures or uses.

2. Number per lot: There shall be no more than one (1) OWB on a lot.

3. Minimum lot area: The minimum lot area on which an OWB may be located shall be _____ acres.

4. Minimum setback from a building, structure, or use: An OWB shall be setback a minimum of _____ feet from any building, structure, or use to which it is connected.

5. Minimum riparian setback: An OWB shall be setback from a watercourse, wetland, or 100 year floodplain in accordance with Article XV, Section 1503.0

Note: This regulation applies only if riparian setback regulations have been adopted.

6. Location and minimum yards (setbacks): An OWB shall be located fully behind the permitted principal building, structure, or use on a lot. It shall not be located in any required minimum front yard, side yard or rear yard for the applicable zoning district; provided however, in no case shall the minimum front, side, and rear yards be less than fifty (50) feet. For a corner lot, the minimum side yard contiguous with the road right-of-way shall be the same as the minimum front yard, but in no case less than fifty (50) feet. Further, the OWB shall be placed on the lot in compliance with all manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.

7. Chimney height: An OWB chimney shall extend a minimum of _____ feet in height measured vertically from the immediately adjacent finished grade surface.

8. Spark arrestor: An OWB shall have a spark arrestor securely attached to the chimney to prevent the passage of sparks and ashes to the outside atmosphere.

9. Base: An OWB shall be installed on a concrete pad with a minimum thickness of four (4) inches.

10. Other codes: An OWB shall be in compliance with all applicable county building codes, fire codes, and such other relevant codes, including, but not limited to, UL and ANSI. An OWB shall be constructed, established, installed, operated and maintained in conformity with the manufacturer's instructions and requirements and the conditions herein.

11. Fuel: The fuel used in an OWB shall only be natural seasoned hardwood, wood pellets, shelled corn products, biomass pellets or such other listed fuels specifically permitted by the manufacturer's instructions. Burning any other material, including but not limited to rubbish, garbage, food waste, shingles, demolition debris, waste oil, asphalt products, treated or painted wood including plywood or composite wood products, plastic, synthetic fabrics, and rubber shall be prohibited.

12. Application: In addition to the other requirements relating to an application for a conditional use in accordance with Article V, Section 500.1, the applicant shall submit a scale drawing showing the OWB location, lot lines, setbacks, location of the buildings to be connected to the OWB, chimney height, existing buildings within a radius of 300 feet, a copy of the owner's manual and manufacturer's installation instructions, and such other information as may be necessary so as to ensure compliance with this resolution.

13. Decommissioning: An OWB shall be completely removed within _____ months from discontinuance of use due to the installation of an alternative heating appliance or obsolescence. The affected lot shall be fully restored to its preconstruction condition within _____ months from the date of such discontinuance.

14. Other regulations: An OWB shall comply with all other applicable regulations for the zoning district in which it is located, the general conditions pertaining to conditional uses in Article V, and the WMSC regulations in Article XVI.

15. Additional conditions: An OWB shall be subject to such additional conditions as may be reasonably required by the board of zoning appeals as a part of the approval of the conditional zoning certificate.

ARTICLE IX

NONCONFORMING BUILDINGS, STRUCTURES, AND USES

Section 900.0 Nonconforming Use of Buildings and Land not Affected by Zoning

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.

Section 901.0 Reasonable Terms

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

Section 902.0 Completion

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 900.0 of this resolution. 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.

Section 903.0 Restoration

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 non-bearing walls, fixtures, wiring, or plumbing, provided that the square footage existing when it became nonconforming shall not be increased. Nothing in this section 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.

Section 904.0 Repair and Replacement

A. If fifty percent (50%) or more of a building or structure occupied by a nonconforming use is damaged or partially destroyed by any cause, as determined by the zoning inspector, the right to maintain and continue to operate such nonconforming use shall terminate immediately.

B. If fifty percent (50%) or more of a nonconforming building or structure is damaged, partially destroyed or otherwise becomes substandard pursuant to the applicable provisions of the county or state building code as determined by the zoning inspector, the right to repair or replace such nonconforming building or structure shall terminate immediately.

C. The repair or replacement of a substandard, damaged or partially destroyed building or structure shall be completed within two (2) years of the date of such determination by the zoning inspector.

Section 905.0 Reconstruction

A. Should a nonconforming building or structure or nonconforming portion of a building or structure be totally destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.

B. 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.

Section 906.0 Extension

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 uses 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 uses 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. No existing building or structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the building or structure to a use permitted in the district in which it is located.

F. 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.

G. 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.

Section 907.0 Substitution

A nonconforming use may be substituted for a lawful nonconforming use 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, dwelling units or in the number of persons using the property.

Section 908.0 Nonconforming Lot of Record

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

A. It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.

B. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.

C. The amount of nonconformity has not been increased since it became nonconforming.

D. It complies with all other regulations set forth herein except minimum lot area, frontage, and width.

ARTICLE X

ADMINISTRATION

Section 1000.0 Township Zoning Inspector

Section 1000.1 Position of the Township Zoning Inspector Established

For the purpose of enforcing these zoning regulations the position of the zoning inspector is hereby established; and, the board of township trustees may establish the position(s) of assistant zoning inspector(s).

The board of township trustees shall fill the position of the 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.

Section 1000.2 Township Zoning Inspector's Bond

The zoning inspector, before entering upon the duties of his/her office, shall be bonded in accordance with the Ohio Revised Code.

Section 1000.3 Duties of the Township Zoning Inspector

It shall be the duty of the zoning inspector to enforce the zoning regulations contained in this resolution, and thus in order to fulfill said duty, the zoning inspector shall:

A. Provide applications for zoning certificates to those persons who wish to apply for a zoning certificate.

B. Receive and act upon applications for zoning certificates in accordance with Article XI, Sections 1100.2 and 1100.3.

C. Issue zoning certificates as permitted by the terms of this resolution.

D. Revoke zoning certificates as permitted by the terms of this resolution.

E. Receive and act upon complaints regarding violations of this resolution in accordance with Article XI, Section 1101.0.

F. Make inspections as required to fulfill his/her duties.

G. 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.

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

I. 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 the 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. Section 149.42.

J. 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. Section 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the zoning inspector.

K. 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.

L. 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. Section 117.17.

M. 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.

N. 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.

Section 1001.0 Township Zoning Commission

Section 1001.1 Township Zoning Commission Created

A. The board of township trustees has created and established a 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. The two (2) alternate members shall be identified as first (1st) and second (2nd) alternate indicating the order in which they shall fill vacancies occurring on the zoning commission.

B. An alternate member shall take the place of an absent 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 alternate member shall be made clear to all attending a 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 a meeting begins at the call to order by 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.

Section 1001.2 Recommendations of the 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 XII.

Section 1002.0 Township Board of Zoning Appeals

Section 1002.1 Township Board of Zoning Appeals Created

Pursuant to O.R.C. Section 519.13, the board of township trustees shall appoint a board of zoning appeals, 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. Section 519.13.

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.

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.

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.

Section 1002.2 Powers of the Township Board of Zoning Appeals

The township board of zoning appeals may:

A. 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 Ohio Revised Code or of this resolution.

B. 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.

C. Grant conditional zoning certificates for the use of land, buildings, or other structures for specific uses provided for in this resolution and in accordance with the conditions set forth herein.

   If the board considers conditional zoning certificates for activities that are permitted and regulated under Chapter 1514 of the Ohio Revised Code or activities that are related to making finished aggregate products, the board shall proceed in accordance with Section 519.141 of the Ohio Revised Code.

   Note: Chapter 1514 of the Ohio Revised Code relates to extraction of minerals (surface mining). The foregoing provision applies if surface mining is allowed as a conditional use in the zoning resolution.

D. Revoke an authorized conditional zoning certificate in accordance with Article V, Sections 504.0 and 504.1 of this resolution.

   Note: Paragraph "D" above relates to revocation of a conditional zoning certificate for extraction of minerals (surface mining) only. For the revocation of conditional zoning certificates for other conditional uses, the following text applies.

   In exercising the powers set forth in paragraphs "A" and "B" hereinabove, the board of zoning appeals may, in conformity with such sections of the Ohio Revised Code or of this resolution, 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 zoning inspector from whom the appeal is taken.

Section 1002.3 Rules, Organization, and Meetings of the Township Board of Zoning Appeals

A. The 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.

   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.

C. If the board of township trustees appoints alternate members to the board of zoning appeals in accordance with O.R.C. Section 519.13, the two (2) alternates shall be identified as first (1st) and second (2nd) alternate indicating the order in which they shall fill vacancies on the board of zoning appeals. When filling a vacancy created by an absent regular member, the alternate member shall be subject to all responsibilities of a regular member under the adopted bylaws of the board of zoning appeals. Alternates are expected to attend all meetings and hearings of the board of zoning appeals even when they 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 a meeting or hearing, then the alternate member shall fill the vacancy of the regular member immediately, but not before, the start of the meeting 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.

Section 1002.4 Procedures of the Township 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 zoning inspector 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.

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) or both.

All completed notices of appeal shall be filed with the zoning inspector and the board of zoning appeals and shall include, at a minimum, the following information. The zoning inspector or the board of zoning appeals may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution.

1. The name, address, telephone number, fax number, and e-mail address of the appellant.

2. The name, address, telephone number, fax number, and e-mail address of the owner of record.

3. The address of the lot, if different from the appellant's current address, and PPN.

4. The names, addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road from the subject lot).

5. Documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease or purchase agreement).

> **Note: If the applicant is not the record title owner of the lot, then written evidence** shall **be required to be submitted that the applicant has the owner's consent to make application.**

6. A copy of the deed and legal description for the lot, as recorded with the Geauga County Recorder.

7. The current zoning district in which the lot is located.

8. A description of the existing use of the lot.

9. A description of the proposed use of the lot.

10. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:

    a. The dimensions (in feet) of all lot lines and the total acreage of the lot.

    b. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.

    c. The setback (in feet) from all lot lines of existing buildings, structures, and uses on the lot, if any.

d. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

e. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures; and, a copy of the floor plan for each floor of the building or structure.

f. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).

g. The setback (in feet) from all lot lines of proposed buildings, structures and uses on the lot or of any addition or structural alteration to existing buildings or structures; and, the distance between existing and proposed detached buildings and structures.

h. The height (in feet) of existing buildings or structures on the lot.

i. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

j. The name and location of the existing road(s), public and private, adjacent to the lot.

k. The number of dwelling units existing (if any) and proposed for the lot.

l. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.

m. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.

n. For nonresidential, commercial, and industrial uses: The location, dimensions (in feet) and number of loading/unloading spaces.

o. The location and dimensions (in feet) of any existing or proposed easements on the lot.

p. The location and description of any existing and proposed landscaping and buffer areas on the lot.

q. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.

r. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.

s. For nonresidential, commercial, and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.

t. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

11. The number of the application for the zoning certificate.

12. All notices of appeal for signs shall include, at a minimum, the following information:

    a. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date, showing:

        1. The dimensions (in feet) of the sign.

        2. The area of the sign in square feet.

        3. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.

        4. The height (in feet) of the sign.

        5. The method of illumination, if any.

        6. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).

13. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.

14. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.

15. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The “water management and sediment control” regulations set forth in Article XVI may apply and may be required as a part of the application.

16. The “riparian setback” regulations set forth in Article XV may apply and may be required as a part of the application.

Note: Optional regulation.

17. 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.

18. For notices of appeal requesting a variance, the appellant or his/her authorized representative shall provide the following:

    a. A statement relative to the exact nature of the variance requested.

    b. The specific zoning regulation(s) shall be cited from which a variance is requested.

    c. 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.

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

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

            b. Whether the variance is substantial.

            c. 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.

            d. Whether the variance would adversely affect the delivery of governmental services.

            e. Whether the property owner purchased the lot with the knowledge of the zoning restriction.

            f. Whether the lot owner’s predicament feasibly can be obviated through some method other than a variance.

            g. 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:

            a. 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;

            b. The hardship condition is not created by actions of the applicant;

            c. The granting of the variance will not adversely affect the rights of adjacent owners;

d. The granting of the variance will not adversely affect the public health, safety or general welfare;

e. The variance will be consistent with the general spirit and intent of the zoning resolution;

f. The variance sought is the minimum which will afford relief to the applicant; and,

g. There is no other economically viable use which is permitted in the zoning district.

19. The appeal fee.

C. The board of zoning appeals shall fix a reasonable time for a public hearing on 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.

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 pursuant to O.R.C. 519.15 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 pursuant to O.R.C. 519.15 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.

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

1. Any person may appear in person or by 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:

a. To present his/her position, arguments and contentions;

b. To offer and examine witnesses and present evidence in support thereof;

c. To cross-examine witnesses purporting to refute his/her position, arguments and contentions;

d. To offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions;

e. 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.

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

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

2. A decision of the board and the adoption of conclusions of fact shall be made at a public meeting of the board. The decision and the conclusions of fact 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 thirty (30) days from the last date of public hearing.

3. The original written decision and conclusions of fact 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 conclusions of fact 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 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. Section 2505.07 for purposes of appeal to the court of common pleas pursuant to O.R.C. Chapter 2506.

Section 1002.5 Supplementary Conditions on Variances

The board of zoning appeals, when granting any appeal for a variance, may place supplementary conditions which are regulations specifically provided for elsewhere in this resolution and which are reasonable and directly related to the requested variance 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. (Amended 12/20/22)

ARTICLE XI

ENFORCEMENT

Section 1100.0 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 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. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure:

   1. To provide for greater height or bulk;

   2. To accommodate or house a greater number of families;

   3. To occupy a greater percentage of lot area; or,

   4. To have narrower or smaller front yards, side yards, rear yards, or other open spaces;

   than herein required, or in any other manner be contrary to the provisions of this resolution.

C. 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.

D. A lot shall have frontage on a road and shall be in conformity with all of the minimum area, frontage, width, setbacks (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.

Section 1100.1 Contents of an Application for a Zoning Certificate

Written application for a zoning certificate shall be made on forms provided by the zoning inspector 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.

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), or both.

All completed applications for a zoning certificate shall be submitted to the zoning inspector and shall include, at a minimum, the following information. The zoning inspector may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution.

A. The name, address, telephone number, fax number, and e-mail address of the applicant.

B. The name, address, telephone number, fax number, and e-mail address of the owner of record.

C. The address of the lot, if different from the applicant's current address, and PPN.

D. Documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement).

> **Note: If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.**

E. A copy of the deed and legal description for the lot, as recorded with the Geauga County Recorder.

F. The current zoning district in which the lot is located.

G. A description of the existing use of the lot.

H. A description of the proposed use of the lot.

I. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:

   1. The dimensions (in feet) of all lot lines and the total acreage of the lot.

   2. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.

   3. The setback (in feet) from all lot lines of existing buildings, structures and uses on the lot, if any.

   4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

   5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures; and, a copy of the floor plan for each floor of the building or structure.

   6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).

7. The setback (in feet) from all lot lines of proposed buildings, structures and uses on the lot or of any addition or structural alteration to existing buildings or structures; and, the distance between existing and proposed detached buildings and structures.

8. The height (in feet) of existing buildings or structures on the lot.

9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

10. The name and location of the existing road(s), public and private, adjacent to the lot.

11. The number of dwelling units existing (if any) and proposed for the lot.

12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.

13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.

14. For nonresidential, commercial, and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.

15. The location and dimensions (in feet) of any existing or proposed easements on the lot.

16. The location and description of any existing and proposed landscaping and buffer areas on the lot.

17. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.

18. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.

19. For nonresidential, commercial, and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.

20. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

J. Provide the type and design of any sign(s).

1. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing:

   a. The dimensions (in feet) of the sign.

   b. The area of the sign (per sign face) in square feet.

c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.

d. The height (in feet) of the sign.

e. The method of illumination, if any.

f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).

K. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.

L. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.

M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The “water management and sediment control” regulations set forth in Article XVI may apply and may be required as a part of the application.

N. The “riparian setback” regulations set forth in Article XV may apply and may be required as a part of the application.

Note: Optional regulation.

O. The application fee.

Section 1100.2 Action by the Township Zoning Inspector on an Application for a Zoning Certificate

Within thirty (30) days after the receipt of an application for a zoning certificate, the 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.

In case of disapproval of an application, the applicant shall be informed of such disapproval in writing by the zoning inspector. The zoning regulation(s) violated shall be cited, as well as the applicant's right to appeal to the board of zoning appeals in accordance with Article X of this resolution.

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

Section 1100.3 Submission to the Director of Ohio Department of Transportation

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 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.

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 proceedings 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.

Section 1100.4 Revocation or Reissuance of a 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.

   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 board of zoning appeals in accordance with Article X 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.

B. 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.

Section 1101.0 Complaints Regarding Violations

Whenever an alleged violation of this resolution occurs any person may file a written complaint 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.

Section 1102.0 Prohibition Against Violating Zoning Resolution

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.

Section 1103.0 Action to Prevent Violations of Zoning Regulations

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 Revised Code 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 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 XII

AMENDMENTS

Section 1200.0 Procedure for Amendments to the Zoning Resolution

The procedure for amendments to the zoning resolution shall be in accordance with O.R.C. Section 519.12. See appropriate forms in the appendix.

Section 1201.0 Contents of an Application for a Zoning Amendment

Application forms for amendments to the zoning resolution shall be provided by the zoning commission or its secretary. See appropriate forms in the appendix. 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), or both.

Such application shall include the following information:

A. The name, address, telephone number, fax number, and e-mail address of the applicant.

B. The address(es) of the lot(s), if different from the applicant's current address, and PPN(s).

C. Describe the present use of the lot(s).

D. Describe the present zoning classification of the lot(s).

E. The text of the proposed amendment. Proposed new text shall be highlighted and existing text to be deleted shall be shown with strike-through.

F. The proposed zoning district, if applicable.

G. A copy of the recorded deed(s) of record with a legal description for the lot(s) included in the proposed amendment. The applicant shall be the record title owner of the lot or an executed lease agreement for the affected lot shall be provided and written evidence submitted that the lessee has the owner's consent to make application.

H. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the lot(s).

I. A copy of the official township zoning map with the lot(s) proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable.

J. A statement relative to the reason(s) for the proposed amendment and how it relates to the township land use plan.

K. A site plan detailing existing and proposed buildings, structures, and uses on the affected lot(s) and documenting the provision and location(s) of sewage treatment and water supply systems.

L. A list of the addresses and PPN's from the county auditor's current tax list of all owners of property within and contiguous and directly across the road from the area to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.

M. The application fee, as established by resolution of the board of township trustees, to defray the costs of advertising, mailing and other expenses.

Section 1202.0 Submission to the Director of Ohio Department of Transportation

Before any zoning amendment is adopted 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 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 board of township trustees shall give notice, by registered or certified mail to the director of transportation.

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 Ohio Revised Code.

ARTICLE XIII

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

Section 1300.0 Purpose

A. It is the purpose of this section of the _____ Township Zoning Resolution to regulate wireless telecommunications antennas, towers, and facilities in order to promote public health, safety, and general welfare 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.

Section 1301.0 Permitted Uses

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.

A. 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.

B. 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 1302.0(M), (T), and (V)(5).

C. A wireless telecommunications tower and appurtenant facilities may be permitted in the _____ zoning district(s).

Section 1302.0 Conditional Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged in the _____ district(s) as a conditional use subject to the approval of the board of zoning appeals pursuant to the procedure set forth in Article V of this resolution and the following conditions as well as the regulations specified in this article.

A. No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a designated 100 year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Geauga County.

B. 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.

C. A security fence not less than _____ 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.

D. Evergreen trees or shrubbery not less than _____ 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.

E. 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 1306.0 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.

F. 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.

G. 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).

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

I. No more than one (1) warning sign, the maximum size of which shall be _____ square feet, shall be posted on the site as well as an emergency telephone number. The applicant shall also provide the fire department, the township police (or county sheriff's) department, and the county emergency management agency with information on who to contact, an address, a telephone number, fax number, and e-mail address in the event of an emergency. No other signs shall be posted on the site.

J. 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 FAA. Proof of compliance with all FAA criteria shall be required and a copy of the review by the FAA shall be submitted.

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

L. The driveway to the site shall be a minimum of _____ feet in width and shall be setback a minimum of _____ feet from the nearest side or rear lot line. There shall be a minimum of _____ off-road parking space(s) on the site.

M. 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 1301.0, 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 1301.0 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 1301.0. If another tower or structure or area set forth in Section 1301.0 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 1301.0 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.

N. The owner/operator of a free-standing monopole wireless telecommunications tower shall be required to allow collocation for a minimum of _____ additional antenna platforms of equal loading capacity for _____ 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 _____ additional antenna platforms of equal loading capacity for _____ 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.

O. 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 non-feasibility as set forth herein.

P. 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.

Q. 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.

R. The minimum distance between wireless telecommunications towers and facilities shall be _____ feet.

S. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances are discontinued for _____ 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.

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

U. Wireless telecommunications towers, antennas, and appurtenances mounted to a building or structure.

1. A wireless telecommunications tower, antenna, and appurtenances may be mounted to a lawfully existing building or structure (other than a dwelling) or to a proposed building or structure (other than a dwelling) provided the maximum height of the tower, antenna, or appurtenances shall not exceed _____ feet above the highest point of the roof line.

2. There shall be no more than _____ wireless telecommunications tower(s) or antenna(s) mounted on a legally existing building or structure.

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 or structure upon which a wireless telecommunications tower, antenna, and appurtenances may be mounted will support same.

V. 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 _____ feet.

2. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances shall be _____ percent (____%) 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 _____ square feet and for a freestanding lattice wireless telecommunications tower the maximum size of the equipment shelter shall be _____ square feet. The maximum height of an equipment shelter shall be _____ 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 _____ antenna platforms of equal loading capacity. A free-standing lattice wireless telecommunications tower shall be designed to support the collocation of at least _____ 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.

Section 1303.0 Prohibited Areas

Except as noted in Sections 1301.0 and 1302.0, wireless telecommunications towers and facilities are prohibited in residential districts and no zoning certificate shall be issued therefor.

Section 1304.0 Fees

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.

Section 1305.0 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. Section 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:

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.

No single factor set forth above 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.

C. If the zoning inspector determines to deny the applicant such "public utility" status, the zoning 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 1305.0(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 road 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

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

3. 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 township 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.

Section 1306.0 Site Plan

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.

A. The site plan shall be prepared by, signed, dated, and bear the stamp and registration number of a licensed professional engineer.

B. 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.

C. 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.

D. The dimensions of all buildings, structures, driveways, parking area, and all appurtenant facilities shall be provided.

E. Existing easements of record and proposed easements with dimensions shall be shown.

F. A copy of a title examination for the subject premises shall be submitted.

G. 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.

H. 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. The water management and sediment control regulations set forth in Article XVI may apply and may be a part of the site plan.

I. The riparian setback regulations set forth in Article XV may apply and may be required as a part of the site plan.

Note: Optional regulation.

Note: This article should be reviewed with the County Prosecutor's Office before its adoption.

ARTICLE XIV

ADULT ORIENTED BUSINESSES

Section 1400.0 Definitions

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

"*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 (1) 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.

"*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.

"*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.

"*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.

"*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.

"*Adult media store*" means an establishment that rents and / or sells media and that meets any of the following:

- _____ percent (____%) or more of the gross public floor area is devoted to adult media.

- _____ 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.

"*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.

"*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."

"*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.

"*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 (1) 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.

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

"*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."

"*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.

"*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.

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

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

"*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.

"*Hard-core material*" means media characterized by sexual activity that includes one (1) or more of the following: erect male organ; contact of the mouth of one (1) 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.

"*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.

"*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.

"*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.

"*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.

"*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.

"*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.

"*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 _____ square feet of floor area.

Section 1401.0 Conditions for Adult Oriented Businesses

Note: The zoning districts adult oriented businesses may be allowed in must be determined and set forth in the text of the zoning resolution.

An adult oriented business shall be allowed only within the _____ zoning district(s) and shall be classified as a conditional use subject to the procedure for conditional zoning certificates as set forth in Article ___, Section _____ of this resolution, the general conditions for conditional uses as provided in Article ___, Section _____ 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.

Note: The isolation distances inserted in the following blanks must be reasonable so as not to result in a prohibition of adult oriented businesses.

A. An adult oriented business shall be located more than _____ 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.

B. An adult oriented business shall be located more than _____ 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.

C. An adult oriented business shall be located more than _____ 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.

D. An adult oriented business shall be conducted within a fully enclosed building.

E. Management personnel shall be present at all times when an adult oriented business is open for operation.

F. Proof of compliance with the rules and regulations of the county building department, county water resources department, county general health district, township 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.

G. An adult oriented business shall comply with all of the off-road parking regulations in this resolution for the zoning district in which it is located.

H. An adult oriented business shall comply with all of the signage regulations in this resolution for the zoning district in which it is located.

I. 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.

J. 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, or general welfare as determined by the board of zoning appeals.

Section 1402.0 Adult Oriented Businesses: Nonconforming Buildings, Structures, and Uses

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 _____ feet, of a residential zoning district boundary or a residential use on a lot within _____ 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.

ARTICLE XV

ESTABLISHMENT OF RIPARIAN SETBACKS

Section 1500.0 Purpose and Intent

A. The specific purpose and intent of these regulations is to regulate the location of buildings, structures, uses, and related soil disturbing activities within riparian setback areas that would impair the ability of these areas to:

> **Note: The township should also consider citing documentation in support of these regulations, available from the Geauga SWCD in its minutes during the zoning amendment process. Riparian setbacks are not mandated pursuant to O.R.C. Chapter 519.**

1. Preserve and conserve the quality and free flowing condition of designated watercourses in the interest of promoting and protecting public health and safety.

2. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.

3. Assist in stabilizing the banks of designated watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.

4. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses.

5. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter such watercourses.

6. Provide designated watercourse habitats with shade and food.

7. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.

8. Provide riparian habitat with a wide array of wildlife by maintaining diverse and connected riparian vegetation.

9. Minimize encroachment on designated watercourses and limiting the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses as well as to reduce the damage to real property and threats to public health and safety within the affected watershed.

B. These regulations have been enacted to protect and enhance the functions of riparian areas by providing reasonable controls governing buildings, structures, uses, and related soil disturbing activities within a riparian setback along designated watercourses in the township.

Due to the importance of properly functioning riparian areas, minimum riparian setbacks may be given preference over minimum front, side, or rear yard setbacks as specified in this resolution in the consideration of an appeal for a variance by the board of zoning appeals.

C. These regulations have been enacted in compliance with the _____ Township Phase II Storm Water Management Program, adopted _____ _____, 20 ____, as required by 40 C.F.R. Parts 9, 122, 123, and 124.

Note: Paragraph "C" above applies only to those townships within the EPA Phase II Storm Water Management Program.

Section 1501.0 Applicability

A. These regulations shall only apply when the following two (2) conditions are met:

1. Soil disturbing activities regulated by this resolution are those proposed in, or within fifty (50) feet of, a riparian setback as set forth in these regulations; and

2. A zoning certificate or conditional zoning certificate is required.

B. These regulations shall apply to all zoning districts.

C. The regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated watercourse, except as otherwise provided herein.

D. The use of any building, structure or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Article IX.

E. The repair, maintenance, extension, replacement, restoration, reconstruction or substitution of a building, structure or use lawfully existing prior to the effective date of these regulations may be continued or completed, subject to the provisions of Article IX.

F. No zoning certificate or conditional zoning certificate shall be issued for any building, structure or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.

Section 1502.0 Definitions

For the purpose of these regulations, the following terms shall have the meanings as provided herein.

A. ***"Damaged or Diseased Trees"*** means trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or a structure.

B. ***"Designated Watercourse"*** means a river or stream within a township that is in conformity with the criteria set forth in these regulations.

C. ***"Federal Emergency Management Agency (FEMA)"*** means the agency with overall responsibility for administering the National Flood Insurance Program.

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

E. ***"In-Line Pond"*** means a permanent pool of water created by impounding a designated watercourse.

F. ***"Land Development Activity"*** means any change to the surface area of a lot including (but not limited to) clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.

G. ***"Ohio Environmental Protection Agency"*** means the governmental agency referred to herein as the Ohio EPA.

H. ***"One Hundred Year Floodplain"*** means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by the most current Federal Emergency Management Agency maps of the township.

I. ***"Ordinary High Water Mark"*** means the point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction or prevention of woody terrestrial vegetation; a predominance of aquatic vegetation; or other easily recognized characteristic. The ordinary high water mark defines the bed and bank of a watercourse.

J. ***"Riparian Area"*** means naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants or performs other functions consistent with the purposes of these regulations.

K. ***"Riparian Setback"*** means the real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations.

L. ***"Soil and Water Conservation District (SWCD)"*** means the Geauga County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees.

M. ***"Soil Disturbing Activity"*** means clearing, grading, excavating, filling 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.

N. ***"Waste Water Treatment Plant (WWTP)"*** means a facility at the end of a sanitary collection system, which processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA.

O. ***"Watercourse"*** means any brook, channel, creek, river, or stream, either continuous or intermittent, having an established and defined bed and bank, as determined by the ordinary high water mark, and a definite direction of flow.

P. ***"Wetland"*** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 C.F.R. 232, as amended).

Q. ***"Wetlands, Category 1"*** means a low quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA.

R. ***"Wetlands, Category 2"*** means a medium quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA.

S. ***"Wetlands, Category 3"*** means a high quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA.

Section 1503.0 Establishment of Designated Watercourses and Riparian Setbacks

A. A designated watercourse shall include one or more of the following criteria.

1. All watercourses draining an area equal to or greater than one-half (0.5) square mile, or

2. All watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the zoning inspector may consult with representatives of the Geauga SWCD or other technical experts.

B. Riparian setbacks on designated watercourses shall be established as follows:

1. A minimum of one hundred twenty (120) feet on each side of all designated watercourses draining an area equal to or greater than twenty (20) square miles.

2. A minimum of seventy-five (75) feet on each side of all designated watercourses draining an area equal to or greater than one-half (0.5) square mile and up to twenty (20) square miles.

3. A minimum of twenty-five (25) feet on each side of all designated watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined in these regulations.

C. The following regulations shall apply to riparian setbacks.

1. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of a designated watercourse, except for existing in-line ponds as addressed in Section 1503.0(C)(5).

2. Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.

3. Where the one hundred year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year floodplain as delineated on the flood hazard boundary map(s) for the affected area provided by FEMA.

4. Where a wetland is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the wetland, plus the following additional setback widths based upon the particular wetland category. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the lot owner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations. Such delineation is a requirement of the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency.

   a. An additional minimum setback of fifty (50) feet extending beyond the outermost boundary of a category 3 wetlands.

   b. An additional minimum setback of thirty (30) feet extending beyond the outermost boundary of a category 2 wetlands.

   c. No additional setback shall be required beyond the outermost boundary of a category 1 wetlands.

5. The minimum riparian setback on an in-line pond existing at the time an application for a zoning certificate or a conditional zoning certificate is made under this resolution shall be measured from the ordinary high water mark of the designated watercourse as it enters said pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond. Riparian setbacks on in-line ponds existing at the time an application is made under this resolution shall be expanded to include wetlands and floodplains as detailed in Section 1503.0(C)(3) and (4). The creation of new in-line impoundments shall not be permitted under this resolution.

Section 1504.0 Riparian Setback Guide Map

A. The township shall create a guide map identifying designated watercourses and their riparian setbacks. Said guide map is attached hereto and made a part of this regulation and is identified as Exhibit “A.” The riparian setback guide map may be utilized as a reference document by the zoning inspector and the board of zoning appeals in determining when the riparian setback applies.

B. Nothing herein shall prevent the township from amending the riparian setback guide map from time to time as may be necessary.

C. If any discrepancy is found between the riparian setback guide map and these regulations, or if any discrepancy is found between existing site conditions and the riparian setback guide map, the criteria set forth in Section 1503.0 shall prevail.

Section 1505.0 Application and Site Plan

A. When making an application for a zoning certificate or a conditional zoning certificate for a building, structure or use regulated by this resolution and proposing soil disturbing activities regulated herein or within fifty (50) feet of a riparian setback, the owner shall be responsible for identifying riparian setbacks as required by these regulations and shall indicate such setbacks on a site plan submitted to the zoning inspector. The site plan shall be prepared by a professional engineer, surveyor, soils scientist, landscape architect or such other qualified individual and shall be based upon a survey of the affected lot. _____ copies of the site plan shall be submitted. In addition to the requirements set forth in this resolution for a zoning certificate or a conditional zoning certificate, the owner shall provide the following information to the zoning inspector.

1. A site plan depicting the following, if applicable, as determined by the zoning inspector:

   a. The boundaries of the lot with dimensions.

   b. The location of all designated watercourses.

   c. The limits, with dimensions, of the riparian setback.

   d. The existing topography at intervals of two (2) feet.

   e. The location and dimensions of any existing and proposed buildings, structures, and uses in relationship to all designated watercourses.

   f. The description and location, with dimensions plus a calculation of the total area, of all land development activities, soil disturbance, and impervious cover.

   g. The description and depiction of all erosion and sedimentation controls plus all storm water management controls, including all temporary and permanent best management practices.

   h. If the lot included in the site plan is a part of a platted and recorded subdivision, the riparian setback shall be as shown on said plat.

   i. North arrow, scale, date, and stamp bearing the name and registration number of the professional consultant who prepared the plan shall be provided.

2. Such other supplementary information as may be necessary for the zoning inspector or the board of zoning appeals to ensure compliance with the provisions of these regulations.

Note: The components of the site plan and its preparation are subject to modification by the township.

B. The zoning inspector, may, in reviewing the site plan, consult with the Geauga SWCD or such other expert(s) retained by the board of township trustees.

C. If land development or soil disturbing activities will occur within fifty (50) feet of the outer boundary of the applicable riparian setback as specified in these regulations, then prior to the initiation of any land development or soil disturbing activities, the riparian setback shall be clearly delineated on the affected lot by the owner with construction fencing as shown on the site plan and shall be maintained on the lot until the completion of such development or disturbance activities.

Section 1506.0 Permitted Buildings, Structures, and Uses Within a Riparian Setback Without a Zoning Certificate

The following buildings, structures, uses, and related soil disturbing activities may be permitted within a riparian setback without a zoning certificate. Other uses not requiring a zoning certificate or conditional zoning certificate under this resolution may also be permitted in the riparian setback.

Note: The following provisions may be modified by the township.

A. Recreational Activities: Fishing, hunting, picnicking, picnic tables, trails, walkways, and paths for non-motorized vehicles constructed of pervious materials.

B. Removal of Damaged or Diseased Trees: Damaged or diseased trees and other associated debris may be removed.

C. Maintenance and Repairs: Maintenance and repair on lawfully existing buildings, structures, and uses; roads; driveways; bridges; culverts; trails; walkways; paths; wastewater treatment plants and appurtenances; water wells; water treatment plants and appurtenances; storm sewers; and on-site sewage systems.

D. Maintenance and Cultivation of Lawns and Landscaping: The maintenance of existing, and the cultivation of new, lawns, landscaping, shrubbery, and trees.

E. Water Supply Wells: Water supply wells subject to the regulations enforced by the Geauga County General Health District or the Ohio EPA.

F. Open Space: Passive open space to preserve the riparian setback area in its natural state.

G. Mulch: Mulch consisting of natural materials from the affected lot, not for commercial retail sale or use.

H. On-site Sewage Systems and Waste Water Treatment Plants: On-site sewage systems and waste water treatment plants and appurtenances subject to the applicable regulations enforced by the Geauga County General Health District or the Ohio EPA. Proof of compliance with such regulations shall be required.

I. Crossings: Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines (including sanitary sewer, water, septic system, storm sewer, electric, natural gas, telephone, and cable for television and other digital transmission), or other means may be permitted, subject to the other regulations contained in this resolution and the regulations enforced by the Geauga SWCD and the Geauga County Engineer. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the zoning inspector. Proof of compliance shall be the following:

1. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or

2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving the activities under the applicable Nationwide Permit, or

3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

Section 1507.0 Permitted Buildings, Structures, and Uses Within a Riparian Setback With a Zoning Certificate

The following buildings, structures, and uses may be permitted within a riparian setback, subject to the approval of an application for a zoning certificate by the zoning inspector and in accordance with the following regulations and such other applicable regulations contained in this zoning resolution.

Note: The following provisions may be modified by the township.

A. Streambank Stabilization Projects: Streambank stabilization projects along designated watercourses, subject to other regulations contained in this resolution and the regulations enforced by the Geauga SWCD. If streambank stabilization work is proposed below the ordinary high water mark of a designated watercourse, proof of compliance with the applicable conditions of U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall be provided to the zoning inspector. Proof of compliance shall be the following:

1. A site plan showing that any proposed project conforms to the general and special conditions of Nationwide Permit 13, or

2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or

3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

B. Signs.

C. Fences.

D. Boat ramps, decks, and docks.

Section 1508.0 Buildings, Structures, and Uses Prohibited Within a Riparian Setback

Any building, structure, use, or related soil disturbing activity not permitted under this resolution shall be prohibited within a riparian setback. The following buildings, structures, and uses are specifically prohibited.

Note: The following provisions may be modified by the township.

A. Construction: There shall be no buildings, structures, uses, or related soil disturbing activities of any kind except as permitted under these regulations.

B. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities.

C. Roads and Driveways: There shall be no roads or driveways except as permitted under these regulations.

Section 1509.0 Inspections of Riparian Setbacks

The zoning inspector shall inspect the delineation of riparian setbacks.

A. The owner shall notify the zoning inspector at least _____ working days prior to the initiation of any construction, land development or soil disturbing activities on a lot.

B. The zoning inspector, with prior notice and the authorization of the owner, may enter the affected lot from time to time to conduct on-site inspections to ensure compliance with these regulations.

ARTICLE XVI

WATER MANAGEMENT AND SEDIMENT CONTROL (WMSC)

Note: It is recommended that the board of township trustees enter into a memorandum of understanding with the Geauga SWCD with respect to the administration of these regulations.

Section 1600.0 Purpose and Intent

A. The purpose of these regulations 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.

B. These regulations are intended to:

1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.

2. Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

C. These regulations apply 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 herein.

Section 1601.0 Words and Terms Defined

For the purpose of these regulations, 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 administered by the Geauga Soil and Water Conservation District (SWCD). Said terms are adopted and made a part of these regulations as though fully rewritten herein.

Section 1602.0 Requirements and Application Procedures

A. Two (2) sets of a Water Management and Sediment Control (WMSC) Plan shall be included with the application for a zoning certificate for any of the permitted principal accessory, or conditional buildings, structures, and uses or off-road parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto, disturbing three hundred (300) square feet or more of land area on a lot or contiguous lots under the same ownership of record. A WMSC Plan must be submitted, reviewed and approved by the Geauga SWCD if one (1) or more of the following conditions apply:

1. If the disturbance (regardless of size) is planned on a sublot within a platted subdivision; or

2. If one (1) acre (43,560 square feet) or more of land area will be disturbed on a lot or on contiguous lots under the same ownership of record.

B. WMSC Plans are not required for any permitted principal, accessory, or conditional buildings, structures, or uses or off-road parking, loading/unloading areas allowed by this resolution or any additions or alterations thereto disturbing less than three hundred (300) square feet of land area on a lot or on contiguous lots under the same ownership of record, unless the disturbance is within a platted subdivision as set forth in paragraph (A)(1) hereinabove.

C. The contents of the WMSC Plan shall meet all requirements and recommendations for erosion and sediment control and storm water management contained in the most recent version of the Geauga County Water Management and Sediment Control Regulations.

D. If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency's (EPA) NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate WMSC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.

E. The zoning inspector shall review the WMSC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within thirty (30) working days after receipt of the Plan. The zoning inspector may advise applicants to submit the WMSC Plan to the Geauga SWCD for review provided, however, if the disturbance falls within conditions set forth in paragraph (A)(1) or (A)(2) hereinabove, then the zoning inspector shall require the applicant for a zoning certificate or a conditional zoning certificate to submit the WMSC Plan to the Geauga SWCD for review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Geauga County Water Management and Sediment Control Regulations. At the time the zoning inspector receives a revised Plan, another thirty (30) day review period shall begin.

F. Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without a WMSC Plan approved by the zoning inspector in accordance with these regulations or a copy of an approval letter or permit issued by the Geauga SWCD in accordance with the Geauga County WMSC Regulations that has been submitted with an application for a zoning certificate or a conditional zoning certificate.

G. Any addition or alteration to the site design as shown on the approved 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. The zoning inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

Section 1603.0 Compliance With State and Federal Regulations

A. Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army Corps of Engineers, and/or other federal, state, and/or county agencies not

listed herein, nor does it imply that the owner has met the requirements of those agencies. Such permits and/or approvals should be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail.

B. Soil-disturbing activities regulated under these regulations may not begin until proof of compliance with all necessary state and federal permits as detailed below has been obtained or an explanation of why such permits are not required or applicable. The authorizing agencies cited herein are responsible for ensuring compliance with their respective permits. These permits may include, but are not limited to, the following:

1. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.

2. If there is any indication or reasonable evidence that disturbance of an existing watercourse or wetland might occur, one (1) or all of the following may be required depending on the extent and type of the disturbance:

   a. Jurisdictional Determination: Proof of compliance shall be a copy of the Jurisdictional Determination from the U.S. Army Corps of Engineers affirming the findings of a qualified professional's survey and report of the site.

   b. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification approval, public notice, or a letter from a qualified professional who has surveyed the lot explaining why Section 401 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time an application is made under this regulation.

   c. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit approval or a letter from a qualified professional who has surveyed the lot explaining why the Ohio EPA Isolated Wetland Permit is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time an application is made under these regulations.

   d. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one (1) of the following:

      i. A letter from a qualified professional who has surveyed the site explaining why Section 404 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector.

ii. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations.

3. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.

ARTICLE XVII

AGRICULTURE

Section 1700.0 Definition of Agriculture

"Agriculture" is defined in Article II, Section 201.0 of this resolution.

Section 1701.0 Applicability of Regulations to Agriculture

A. Except as otherwise provided herein, this resolution confers no power on the zoning commission, the board of township trustees, or the board of zoning appeals to 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 any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

   An application (Form No. 1-A) may be submitted to the zoning inspector demonstrating that the use of the affected land is for agricultural purposes or the construction or use of buildings or structures is incident to the use for agricultural purposes of the land on which such buildings or structures are located. The zoning inspector may then determine if no zoning certificate is required. No application fee is required.

Note: The following regulations are permissive pursuant to O.R.C. Section 519.21(B).

B. In all zoning districts, this resolution shall regulate in any platted subdivision approved and recorded under Section 711.10 of the Ohio Revised Code and the Geauga County Subdivision Regulations, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one (1) side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road:

   1. Agriculture on lots of one (1) acre or less:

      a. The regulations for the affected zoning district set forth in this resolution shall apply.

   2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by:

      a. Minimum yards (setback building lines): The regulations for the affected zoning district set forth in this resolution shall apply.

      b. Maximum height: The regulations for the affected zoning district set forth in this resolution shall apply.

c. Minimum floor area (size of buildings and structures): The regulations for the affected zoning district set forth in this resolution shall apply.

3. Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Ohio Revised Code and Article IX of this resolution.

C. Section 1701.0(B) confers no power on the zoning commission, the board of township trustees, or the board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five (5) acres.

Section 1702.0 Applicability of Regulations to Farm Markets

A. In all zoning districts, this resolution confers no power on the zoning commission, the board of township trustees, or the board of zoning appeals to prohibit 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.

Note: The following regulations are permissive pursuant to O.R.C. Section 519.21(C)(1).

B. Regulations for a farm market:

1. Minimum yards (setback building lines):

   a. Front: _____ feet.

   b. Each side: _____ feet. The minimum side yard contiguous with the road right-of-way for a corner lot shall be the same as the minimum front yard.

   c. Rear: _____ feet.

2. Minimum floor area (of a structure):

   a. _____ square feet.

3. Maximum floor area (of a structure):

   a. _____ square feet.

4. Off-road parking: See Article VI, Section 601.

Note: Add parking spaces required here to applicable section of zoning resolution regarding parking spaces.

5. Egress or ingress (driveway): See Article VI, Section 606.0.

Note: This pertains to applicable driveway regulations. Provide regulation here or add to applicable section of zoning resolution regarding driveways.

Section 1703.0 Applicability of Regulations to Biodiesel Production, Biomass Energy Production, or Electric or Heat Energy Production

A. In all zoning districts, this resolution confers no power on the zoning commission, the board of township trustees, or the board of zoning appeals to prohibit 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 Sections 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes.

B. As used herein, “biodiesel,” “biomass energy,” and “electric or heat energy” have the same meaning as in Section 5713.30 of the Ohio Revised Code.

Section 1704.0 Applicability of Regulations to Biologically Derived Methane Gas Production

A. In all zoning districts, this resolution confers no power on the zoning commission, the board of township trustees, or the board of zoning appeals to prohibit 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 Sections 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.

B. As used herein, “biologically derived methane gas” has the same meaning as in Section 5713.30 of the Ohio Revised Code.

Section 1705.0 Applicability of Regulations to Agritourism

A. In all zoning districts, this resolution confers no power on the zoning commission, the board of township trustees, or the board of zoning appeals to prohibit the use of any land for agritourism.

B. For the purposes of this section, “agricultural production”, “agritourism”, “agritourism provider”, “farm”, and “participant” have the same meanings as in Section 901.80(A) of the Ohio Revised Code.

Note: The following regulations are permissive pursuant to O.R.C. Section 519.21(C)(4).

C. Regulations that apply to agritourism providers that offer agritourism on a farm devoted to commercial agricultural production.

1. Minimum floor area of a structure:

   a. _____ square feet

2. Maximum floor area of a structure:

   a. _____ square feet.

3. Off-road parking: See Article VI, Section 601.0 No parking area shall be required to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.

   Note: Add parking spaces required here or to applicable section of zoning resolution regarding parking spaces.

4. Minimum yards (setback building lines):

   a. Front: _____ feet.

   b. Each side: _____ feet. The minimum side yard contiguous with the road right-of-way for a corner lot shall be the same as the minimum front yard.

   c. Rear: _____ feet.

5. Egress or ingress (driveway): See Article VI, Section 606.0.

   Note: This pertains to the applicable driveway regulations. Provide regulation here or add to applicable section of zoning resolution regarding driveways.

ARTICLE XVIII

RESERVED

ARTICLE XIX

PASSIVE PARK DISTRICT (P-1)

Section 1900.0 Purpose

A. The use of real property in the P-1 District shall be of a passive and educational nature such that it does not disturb the natural terrain, habitat and wildlife of the area and therefore enhances such conditions, including the understanding of such conditions, and the passive enjoyment thereof.

B. The P-1 District is hereby established to promote the public health, safety, and general welfare in order to:

1. Protect and preserve parklands, wilderness areas, open spaces, surface water, and scenic areas.

2. Conserve fish and wildlife.

3. Promote forestry, wetlands, and other natural habitat.

4. Protect, promote, and maintain the area's ecosystem.

5. Enhance the public's knowledge of the area's ecosystem.

6. Educate the public with respect to the preservation of natural habitats.

7. Protect groundwater recharge aquifers.

8. Control storm water runoff.

Section 1901.0 Permitted Principal Buildings, Structures, and Uses

Note: The permitted principal and accessory buildings, structures, and uses set forth herein are subject to change by the township. Specify if a zoning certificate is not required for certain buildings, structures, and uses listed below.

A. Agriculture subject to the regulations set forth in Article XVII.

B. Blinds, decks, and platforms for nature observation.

C. Cross country skiing and snowshoeing.

D. Interpretive centers for educational purposes.

E. Non-vehicular trails for bicycles, hiking, skiing, and horseback riding.

F. Ponds or lakes for fishing and boating.

Section 1902.0 Permitted Accessory Buildings, Structures, and Uses

Note: Specify if a zoning certificate is not required for certain buildings, structures, and uses listed below.

A. Administrative offices.

B. Bicycle racks.

C. Fences.

D. Maintenance buildings for the storage of equipment and materials.

E. Off-road parking in accordance with Article VI.

Note: In the applicable section of the off-road parking article, add a regulation for number of spaces required.

F. Outdoor lighting.

G. Receptacles for trash.

H. Restroom facilities.

I. Signs in accordance with Article VII.

J. Storm water detention or retention facilities.

K. Water supply wells and sewage treatment systems.

Section 1903.0 Prohibited Buildings, Structures, and Uses

The following buildings, structures, and uses shall be prohibited:

A. All buildings, structures, and uses set forth in Article IV, Section 401.0.

B. All-terrain vehicles, four wheelers, dirt bikes, motorcycles, dune buggies, snowmobiles, and other motorized vehicles, except vehicles parked in designated off-street parking areas.

C. Ball fields.

D. Car washing.

E. Dumping of trash, waste, or other offensive or hazardous materials of any kind.

F. Golf courses.

G. Overnight camping.

H. Playground equipment.

I. Survival, war, capture the flag, and paintball games.

J. Swimming and swimming pools.

K. Tennis courts.

Section 1904.0 Minimum Lot Area

The minimum lot area shall be _____ acres.

Section 1905.0 Minimum Lot Frontage

The minimum lot frontage shall be _____ feet.

Section 1906.0 Minimum Lot Width

The minimum lot width shall be _____ feet.

Section 1907.0 Minimum Yards (setbacks) for Permitted Principal and Accessory Buildings, Structures, and Uses

Note: If riparian setbacks have been adopted, suggest cross reference to Article XV.

A. Minimum front yard: _____ feet.

B. Each side yard minimum: _____ feet. The minimum side yard contiguous with the road right-of-way for a corner lot shall be the same as the minimum front yard.

C. Minimum rear yard: _____ feet.

Section 1908.0 Maximum Lot Coverage

The maximum lot coverage shall be _____ percent.

Section 1909.0 Minimum Distance Between Buildings on the Same Lot

The minimum distance between detached buildings on a lot shall be _____ feet. The minimum distance between detached buildings on the same lot shall be measured in a straight line from the exterior wall or foundation of a building to the nearest exterior wall or foundation of another building.

Section 1910.0 Maximum Height of Permitted Principal and Accessory Buildings and Structures

The maximum height of permitted principal and accessory buildings and structures shall be _____ feet.

Section 1911.0 Minimum Floor Area

A. The minimum floor area of a permitted principal building shall be _____ square feet.

B. The minimum floor area of a permitted accessory building shall be _____ square feet.

Section 1912.0 Maximum Floor Area

A. The maximum floor area of a permitted principal building shall be _____ square feet.

B. The maximum floor area of a permitted accessory building shall be _____ square feet.

Section 1913.0 Minimum Buffer Zone

A. There shall be a minimum buffer zone of _____ feet within the P-1 District, where the P-1 District boundary is contiguous with any Residential District boundary as shown on the most current adopted version of the official township zoning map.

B. There shall be no buildings, structures, or uses and there shall be no off-road parking areas, driveways, or signs in the buffer zone.

Section 1914.0 Exterior Lighting

Exterior lighting shall be in accordance with Article IV, Section 402.13.

Section 1915.0 Exterior Storage Areas and Trash Receptacles

Exterior storage areas and trash receptacles shall be in accordance with Article IV, Section 403.14.

Section 1916.0 Sewage Treatment Systems

Sewage treatment systems shall be in accordance with Article IV, Section 403.15.

Section 1917.0 Temporary Uses

Temporary uses as set forth in Article IV, Section 402.16.

ARTICLE XX

ACTIVE PARK DISTRICT (P-2)

Section 2000.0 Purpose

A. The Active Park District (P-2) is hereby established to promote the public health, safety, and general welfare in order to provide recreational facilities for the general population within a park-like setting and atmosphere to:

   1. Promote certain healthy and beneficial outdoor leisure time activities for the general population which do not present a significant risk of harm to others.

   2. Afford reasonable access by the public to outdoor athletic, social, and educational activities.

   3. Achieve a balance between the public's need for active outdoor recreational facilities and the preservation of open space, light, and air for the enjoyment of such activities.

B. Unlike the Passive Park (P-1) District, the Active Park (P-2) District recognizes that certain outdoor activities may require the modification and alteration of the natural terrain and disturbance of natural habitat.

Section 2001.0 Permitted Principal Buildings, Structures, and Uses

Note: The permitted principal and accessory buildings, structures, and uses set forth herein are subject to change by the township. Specify if a zoning certificate is not required for certain buildings, structures and uses listed below.

A. Outdoor ball fields and games including hardball, softball, soccer, football, lacrosse, rugby, track and field.

B. Outdoor skating rinks.

C. Outdoor tennis, basketball, horseshoe, volleyball, badminton, bocce ball, and shuffleboard courts.

D. Picnic grounds and pavilions.

E. Playgrounds and playground equipment.

F. Swimming pools and pool houses.

G. All of the permitted uses allowed in the P-1 District, Article XIX, Section 1901.0.

Section 2002.0 Permitted Accessory Buildings, Structures, and Uses

Note: Specify if no zoning certificate is required for certain buildings, structures, and uses listed below.

A. Concession stands.

B. Grandstands for spectators, limited to four (4) rows in height, thirty (30) feet in length, and two (2) per ball field.

C. Outdoor storage of materials.

D. All of the accessory buildings, structures, and uses allowed in the P-1 District, Article XIX, Section 1902.0.

Section 2003.0 Conditional Buildings, Structures, and Uses

Note: List specific conditional buildings, structures, and uses. May list solar panels and wind energy conversion systems. See Article VIII.

Section 2004.0 Prohibited Buildings, Structures, and Uses

The following buildings, structures, and uses shall be prohibited:

A. All buildings, structures, and uses set forth in Article IV, Section 401.0.

B. All-terrain vehicles, four wheelers, dirt bikes, motorcycles, dune buggies, snowmobiles, and other motorized vehicles, except vehicles parked in designated off-road parking areas.

C. Car washing.

D. Dumping of trash, waste or other offensive or hazardous materials of any kind.

E. Golf courses.

F. Overnight camping.

G. Survival, war, capture the flag, and paintball games.

H. The use of firearms or bows and arrows including hunting, skeet shooting, and target shooting.

Section 2005.0 Minimum Lot Area

The minimum lot area shall be _____ acres.

Section 2006.0 Minimum Lot Frontage

The minimum lot frontage shall be _____ feet.

Section 2007.0 Minimum Lot Width

The minimum lot width shall be _____ feet.

Section 2008.0 Minimum Yards (setbacks) for Permitted Principal and Accessory Buildings, Structures, and Uses

Note: If riparian setbacks have been adopted, suggest cross reference to Article XV.

A. Minimum front yard: _____ feet.

B. Each side yard minimum: _____ feet. The minimum side yard setback contiguous with the road right-of-way for a corner lot shall be the same as the minimum front yard.

C. Minimum rear yard: _____ feet.

Section 2009.0 Maximum Lot Coverage

The maximum lot coverage shall be _____ percent.

Section 2010.0 Minimum Distance Between Buildings on the Same Lot

The minimum distance between detached buildings on a lot shall be _____ feet. The minimum distance between detached buildings on the same lot shall be measured in a straight line from the exterior wall or foundation of a building to the nearest exterior wall or foundation of another building.

Section 2011.0 Maximum Height of Permitted Principal and Accessory Buildings and Structures

The maximum height of permitted principal and accessory buildings and structures shall be _____ feet.

Section 2012.0 Minimum Floor Area

A. The minimum floor area of a permitted principal building shall be _____ square feet.

B. The minimum floor area of a permitted accessory building shall be _____ square feet.

Section 2013.0 Maximum Floor Area

A. The maximum floor area of a permitted principal building shall be _____ square feet.

B. The maximum floor area of a permitted accessory building shall be _____ square feet.

Section 2014.0 Minimum Buffer Zone

A. There shall be a minimum buffer zone of _____ feet within the P-2 District, where the P-2 District boundary is contiguous with any Residential District boundary as shown on the most current adopted version of the official township zoning map.

B. There shall be no buildings, structures, or uses and there shall be no off-road parking areas, driveways, or signs in the buffer zone.

Section 2015.0 Exterior Lighting

Exterior lighting shall be in accordance with Article IV, Section 402.13.

Section 2016.0 Exterior Storage Areas and Trash Receptacles

Exterior storage areas and trash receptacles shall be in accordance with Article IV, Section 403.14.

Section 2017.0 Sewage Treatment Systems

Sewage treatment systems shall be in accordance with Article IV, Section 403.15.

Section 2018.0 Temporary Uses

Temporary uses as set forth in Article IV, Section 402.16.

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FORM NO. 1

APPLICATION FOR A ZONING CERTIFICATE

_____ TOWNSHIP

The undersigned hereby applies for a zoning certificate for the following described use, said certificate to be issued by the township zoning inspector on the basis of the information contained within this application.

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

A. Name of Applicant: _____

Address of Applicant: _____

Telephone Number of Applicant: _____

Fax Number of Applicant: _____

E-mail Address of Applicant: _____

B. Name of Owner of Record: _____

Address of Owner of Record: _____

Telephone Number of Owner of Record: _____

Fax Number of Owner of Record: _____

E-mail Address of Owner of Record: _____

C. Address and PPN of the Lot: _____
(if different from applicant's current address)

D. Attach documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement).

> **Note: If the applicant is not the record title owner of the lot, then written evidence** shall **be required to be submitted that the applicant has the owner's consent to make application.**

E. Attach a copy of the deed and legal description for the lot, as recorded with the Geauga County Recorder.

F. Provide the current zoning district in which the lot is located: _____

_____

G. Provide a description of the existing use of the lot: _____

_____

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H. Provide a description of the proposed use of the lot: _____

_____

I. Attach two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:

1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
2. The dimensions and elevations (in feet) of all existing buildings or structures on the lot, if any.
3. The setback (in feet) from all lot lines of existing buildings, structures and uses on the lot, if any.
4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures; and, a copy of the floor plan for each floor of the building or structure.
6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).
7. The setback (in feet) from all lot lines of proposed buildings, structures and uses on the lot or of any addition or structural alteration to existing buildings or structures; and, the distance between existing and proposed detached buildings and structures.
8. The height (in feet) of existing buildings or structures on the lot.
9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
10. The name and location of the existing road(s), public and private, adjacent to the lot.
11. The number of dwelling units existing (if any) and proposed for the lot.
12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.
13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.
14. For nonresidential, commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
15. The location and dimensions (in feet) of any existing or proposed easements on the lot.
16. The location and description of any existing and proposed landscaping and buffer areas on the lot.

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17. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.

18. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.

19. For nonresidential, commercial and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.

20. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

J. Provide the type and design of any sign(s)

1. Attach two (2) copies of a drawing, drawn to scale and dated, showing the following information:

   a. The dimensions (in feet) of the sign.

   b. The area of the sign (per sign face) in square feet.

   c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot line(s).

   d. The height (in feet) of the sign.

   e. The method of illumination, if any.

   f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).

K. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.

L. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.

M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The “water management and sediment control” regulations set forth in Article XVI may apply and may be required as a part of the application.

N. The “riparian setback” regulations set forth in Article XV may apply and may be required as a part of the application.

Note: Optional regulation.

I hereby certify that all of the information supplied in this application and attachments hereto are true and correct to the best of my knowledge, information and belief. I understand that the zoning inspector may request additional information in order to ensure compliance with the zoning resolution.

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I hereby acknowledge that I understand that 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), or both.

I hereby consent to the inspection of the subject lot and of any buildings or structures to be constructed thereon by the township zoning inspector during construction and within thirty (30) days from the completion of any buildings or structures.

I hereby acknowledge that I understand that if 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, said zoning certificate shall be revoked by the township zoning inspector.

_____
Applicant's Signature

Print Name: _____

_____
Date

****

FOR OFFICIAL USE ONLY

Application Number: _____

Zoning Certificate Number: _____

Date Application Received: _____

Amount of Fee Paid: $_____

Date of Action on Application: _____

Date Application Approved: _____

Date Zoning Certificate Issued: _____

Date Application Disapproved: _____

If Application Disapproved, Reasons for Disapproval (cite Section Number): _____

_____

_____

I hereby acknowledge the receipt of this application for a zoning certificate this _____ day of _____, 20 ___.

_____
Signature of Township Zoning Inspector

Print Name: _____

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FORM NO. 1-A

APPLICATION FOR AN AGRICULTURAL USE EXEMPTION

_____ TOWNSHIP

The undersigned hereby applies for an agricultural use exemption to the _____ Township Zoning Resolution, said exemption to be issued by the township zoning inspector on the basis of the information contained within this application.

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT (OWNER OF RECORD OR DESIGNATED LEGAL REPRESENTATIVE) AND NOTARIZED.

A. Name of Applicant: _____

Address of Applicant: _____

Property Address (if different from above): _____

Permanent Parcel Number: _____

Telephone Number of Applicant: _____

Fax Number of Applicant: _____

E-mail Address of Applicant: _____

B. Zoning district in which lot is located: _____

C. Attach a copy of the deed of record for the lot.

D. The lot is within a platted and recorded subdivision or within an area of fifteen (15) or more contiguous recorded lots approved by the County Planning Commission:
_____ Yes or _____ No.

E. Attach a site plan showing the location(s) of any proposed building(s) and structure(s) with setbacks to the lot lines; and describe, in detail, the proposed agricultural use and any incidental building(s) and structure(s) including their size (in square feet):
_____

_____

_____

The undersigned hereby certifies that all of the information supplied in this application and any attachments thereto are true and correct to the best of my knowledge, information, and belief. I hereby acknowledge that I understand that 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), or both. Furthermore, the undersigned hereby acknowledges that should the agricultural use cease and not be replaced with another agricultural use, any building(s) and structure(s) incidental thereto must be in compliance with the zoning regulations for the affected zoning district and a zoning certificate shall be obtained.

Effective 3/3/14

In witness whereof, the undersigned hereunto set his/her/their hand(s) this _____ day of _____, 20 ___.

_____ By (owner or legal representative)

_____ Witness

_____ Print Name

_____ Print Name

State of Ohio

County of _____

Before me, a notary public in and for said county and state personally appeared _____ who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed for the purposes therein expressed, in witness whereof, I have hereunto set my hand and affixed my official seal at _____, _____, this _____ day of _____, 20___.

Notary Public

Seal

****

FOR OFFICIAL USE ONLY

Application number: _____

Date completed application received: _____

The proposed use and any building(s) and structure(s) incidental thereto are classified as agricultural pursuant to the _____ Township Zoning Resolution and no zoning certificate is required.

_____
Signature of Township Zoning Inspector

Print Name: _____

_____
Date

Notes: _____

_____

_____

Effective 3/3/14

FORM NO. 2

ZONING CERTIFICATE

_____ TOWNSHIP

No. _____

Issued to: _____

Address of Applicant: _____

Address and PPN of Property (if different from above): _____

Zoning Classification: _____

Description of Use: _____

_____
Signature of Township Zoning Inspector

Print Name: _____

_____
Date

Note: This certificate must be posted on the property.

FORM NO. 3

NOTICE OF A VIOLATION

_____ TOWNSHIP

Date: _____

TO:

You are hereby advised that you are in violation of Article _____, Section _____, Paragraph _____ of the _____ Township Zoning Resolution.

The nature of the violation is as follows:

_____

_____

_____

_____

You are further informed that unless this violation is corrected or otherwise made to comply by _____ _____, 20 ___, the appropriate legal action will be taken and you will be subject to the penalty as provided by the _____ Township Zoning Resolution and the Ohio Revised Code.

_____
Signature of Township Zoning Inspector

Print Name: _____

_____
Address

_____
Telephone Number

_____
Fax Number

_____
E-mail Address

You have the right to appeal any decision of the zoning inspector in accordance with Article X of this resolution.

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FORM NO. 4

COMPLAINT OF A ZONING VIOLATION

_____ TOWNSHIP

This complaint is voluntarily given to the _____ Township Zoning Inspector this _____ day of _____, 20 ___.

THIS COMPLAINT SHALL BE COMPLETED BY THE COMPLAINANT

Describe below the alleged uses being made of the property, or the scope of the alleged zoning violation, giving exact date(s) and time(s) where possible.

_____

_____

Provide the address, PPN, or location of the property for which the complaint is being filed:

_____

I hereby state that all of the information provided in this complaint is true and correct to the best of my knowledge, information, and belief.

_____
Complainant's Signature

Print Name: _____

_____
Address

_____
Telephone Number

_____
Fax Number

_____
E-mail Address

_____
Date

****

FOR OFFICIAL USE ONLY

I hereby acknowledge the receipt of this complaint this _____ day of _____, 20 ___.

_____
Signature of Township Zoning Inspector

Print Name: _____

_____
Date

FORM NO. 5

REVOCATION OF A ZONING CERTIFICATE

_____ TOWNSHIP

Date: _____

TO:

You are hereby advised that zoning certificate number _____ issued on _____ _____, 20 ___ is hereby revoked and declared null and void.

Said certificate has been revoked for the following reason(s):

_____

_____

_____

_____

Further use of the buildings, structures, or premises shall cease until a valid zoning certificate has been obtained.

You have a right to appeal this matter to the township board of zoning appeals in accordance with Article X of this resolution.

_____
Signature of Township Zoning Inspector

Print Name: _____

_____
Address

_____
Telephone Number

_____
Fax Number

_____
E-mail Address

Replacement Page 1/11/10

FORM NO. 6

STOP A ZONING VIOLATION

_____ TOWNSHIP

No. _____

Nature of Such Violation Being: _____

_____

_____

_____

_____

_____

_____
Signature of Township Zoning Inspector

Print Name: _____

_____
Date

FORM NO. 7

APPLICATION FOR A CONDITIONAL ZONING CERTIFICATE

_____ TOWNSHIP

The undersigned hereby applies for a conditional zoning certificate for the following described use, said certificate to be issued by the township zoning inspector on the basis of the information contained within this application.

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

A. Name of Applicant: _____

Address of Applicant: _____

Telephone Number of Applicant: _____

Fax Number of Applicant: _____

E-mail Address of Applicant: _____

B. Name of Owner of Record: _____

Address of Owner of Record: _____

Telephone Number of Owner of Record: _____

Fax Number of Owner of Record: _____

E-mail Address of Owner of Record: _____

C. Address and PPN of the Lot: _____
(if different from applicant's current address)

D. Attach the names, addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road from the subject lot).

E. Attach documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement).

> **Note: If the applicant is not the record title owner of the lot, then written evidence** shall **be required to be submitted that the applicant has the owner's consent to make application.**

F. Attach a copy of the deed and legal description for the lot, as recorded with the Geauga County Recorder.

G. Provide the current zoning district in which the lot is located: _____

_____

H. Provide a description of the existing use of the lot: _____

_____

Replacement Page 7/1/14

I. Provide a description of the proposed use of the lot: _____

_____

J. Attach two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:

1. The dimensions (in feet) of all lot lines and the total acreage of the lot.

2. The dimensions and elevations (in feet) of all existing buildings or structures on the lot, if any.

3. The setback (in feet) from all lot lines of existing buildings, structures and uses on the lot, if any.

4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures; and, a copy of the floor plan for each floor of the building or structure.

6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).

7. The setback (in feet) from all lot lines of proposed buildings, structures and uses on the lot or of any addition or structural alteration to existing buildings or structures; and, the distance between existing and proposed detached buildings and structures.

8. The height (in feet) of existing buildings or structures on the lot.

9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

10. The name and location of the existing road(s), public and private, adjacent to the lot.

11. The number of dwelling units existing (if any) and proposed for the lot.

12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.

13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.

14. For nonresidential, commercial, and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.

15. The location and dimensions (in feet) of any existing or proposed easements on the lot.

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16. The location and description of any existing and proposed landscaping and buffer areas on the lot.

17. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.

18. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.

19. For nonresidential, commercial, and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.

20. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

K. Provide the type and design of any sign(s).

1. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing:

   a. The dimensions (in feet) of the sign.

   b. The area of the sign (per sign face) in square feet.

   c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.

   d. The height (in feet) of the sign.

   e. The method of illumination, if any.

   f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).

L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.

M. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.

N. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The “water management and sediment control” regulations set forth in Article XVI may apply and may be required as a part of the application.

O. The “riparian setback” regulations set forth in Article XV may apply and may be required as a part of the application.

Note: Optional regulation.

Replacement Page 7/1/14

P. The “General Standards for Conditional Uses” listed under Article V, Section 505.0 may apply and may be required as a part of the application.

I hereby certify that all of the information supplied in this application and attachments hereto are true and correct to the best of my knowledge, information and belief. I understand that the zoning inspector or the board of zoning appeals may request additional information in order to ensure compliance with the zoning resolution.

I hereby acknowledge that I understand that 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), or both.

I hereby consent to the inspection of the subject lot and of any buildings or structures to be constructed thereon by the township zoning inspector during construction and within thirty (30) days from the completion of any buildings or structures.

I hereby acknowledge that I understand that if 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, said conditional zoning certificate shall be revoked by the township zoning inspector.

_____
Applicant's Signature

Print Name: _____

_____
Date

****

FOR OFFICIAL USE ONLY

Application Number: _____

Conditional Zoning Certificate Number: _____

Date Application Received: _____

Amount of Fee Paid: $_____

Date of Public Hearing: _____

Date of Notice to Parties in Interest: _____

Date of Notice of Hearing: _____
(description of notice: name of newspaper, website, etc.)

Date of Action on Application: _____

Date Conditional Zoning Certificate Issued: _____

I hereby acknowledge the receipt of this application for a conditional zoning certificate this _____ day of _____, 20 ___.

_____
Signature of Township Zoning Inspector

Print Name: _____

FORM NO. 8

NOTICE OF A PUBLIC HEARING

APPLICATION FOR A CONDITIONAL ZONING CERTIFICATE

_____ TOWNSHIP

Notice is hereby given that the _____ Township Board of Zoning Appeals will conduct a public hearing on an application, identified as number _____, for a conditional zoning certificate on the _____ day of _____, 20 ___ at _____ o'clock ___.m. at _____.

This application, submitted by _____ requests that: _____

_____

Provide summary of application.

_____

_____

_____

be granted for the lot located at _____.
(address and PPN)

_____
Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Print Name: _____

Publish: **Provide date.**

FORM NO. 9

NOTICE OF A PUBLIC HEARING TO THE PROPERTY OWNER

(CONDITIONAL ZONING CERTIFICATE)

_____ TOWNSHIP

Date:

TO:

Dear

This is to inform you that the _____ Township Board of Zoning Appeals will hold a public hearing on an application, identified as number _____, for a conditional zoning certificate on the _____ day of _____, 20 ___ at _____ o'clock ____.m. at _____.

This application, submitted by _____ requests that

_____

Provide summary of application.

_____

_____

_____

_____

be granted for the lot located at _____.
(address and PPN)

_____
Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Print Name: _____

FORM NO. 10

CONDITIONAL ZONING CERTIFICATE

_____ TOWNSHIP

No. _____

Issued to: _____

Address of Applicant: _____

Address and PPN of Property (if different from above): _____

Zoning Classification: _____

Description of Use: _____

Expiration Date of Certificate: _____

CONDITIONS:

1. Comply with all of the general conditions set forth in Article V, Section 505.0.
2. Comply with all of the following specific conditions set forth by the board of zoning appeals: _____

   _____

   _____.

_____
Signature of Township Zoning Inspector

Print Name: _____

_____
Date

Note: This certificate must be posted on the property.

FORM NO. 11

REVOCATION OF A CONDITIONAL ZONING CERTIFICATE

_____ TOWNSHIP

Date: _____

TO:

You are hereby advised that conditional zoning certificate number _____ issued on _____ _____, 20 ___ is hereby revoked and declared null and void.

Said certificate has been revoked for the following reason(s):

_____

_____

_____

_____

Further use of the buildings, structures, or premises shall cease until a valid conditional zoning certificate has been obtained.

_____
Signature of Township Zoning Inspector

Print Name: _____

_____
Address

_____
Telephone Number

_____
Fax Number

_____
E-mail Address

Replacement Page 2/25/15

FORM NO. 12

NOTICE OF AN APPEAL

(REQUESTING A VARIANCE)

_____ TOWNSHIP

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

A. Name of Appellant: _____

Address of Appellant: _____

Telephone Number of Appellant: _____

Fax Number of Appellant: _____

E-mail Address of Appellant: _____

B. Name of Owner of Record: _____

Address of Owner of Record: _____

Telephone Number of Owner of Record: _____

Fax Number of Owner of Record: _____

E-mail Address of Owner of Record: _____

C. Address and PPN of the Lot: _____
(if different from Appellant's current address)

D. Attach the names, addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road from the subject lot).

E. Attach documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease, or purchase agreement).

> **Note: If the applicant is not the record title owner of the lot, then written evidence** shall **be required to be submitted that the applicant has the owner's consent to make application.**

F. Attach a copy of the deed and legal description for the lot, as recorded with the Geauga County Recorder.

G. Provide the current zoning district in which the lot is located: _____

_____

H. Provide a description of the existing use of the lot: _____

_____

I. Provide a description of the proposed use of the lot: _____

_____

Replacement Page 2/25/15

J. Attach two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:

1. The dimensions (in feet) of all lot lines and the total acreage of the lot.

2. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.

3. The setback (in feet) from all lot lines of existing buildings, structures, and uses on the lot, if any.

4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures; and, a copy of the floor plan for each floor of the building or structure.

6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).

7. The setback (in feet) from all lot lines of proposed buildings, structures and uses on the lot or of any addition or structural alteration to existing buildings or structures; and, the distance between existing and proposed detached buildings and structures.

8. The height (in feet) of existing buildings or structures on the lot.

9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

10. The name and location of the existing road(s), public and private, adjacent to the lot.

11. The number of dwelling units existing (if any) and proposed for the lot.

12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.

13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.

14. For nonresidential, commercial, and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.

15. The location and dimensions (in feet) of any existing or proposed easements on the lot.

16. The location and description of any existing and proposed landscaping and buffer areas on the lot.

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17. The existing topography of the lot, at contours intervals of two (2) feet, and a final grading plan.

18. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.

19. For nonresidential, commercial, and industrial uses: the location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.

20. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

K. For an appeal requesting a variance to sign regulations, provide the following information:

1. Attach two (2) copies of a drawing, drawn to scale and dated, showing:

   a. The dimensions (in feet) of the sign.

   b. The area of the sign (per sign face) in square feet.

   c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.

   d. The height (in feet) of the sign.

   e. The method of illumination, if any.

   f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).

L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.

M. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.

N. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The “water management and sediment control” regulations set forth in Article XVI may apply and may be required as a part of the application.

O. The “riparian setback” regulations set forth in Article XV may apply and may be required as a part of the application.

Note: Optional regulation.

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P. Provide the following additional information:

1. State the exact nature of the variance requested: _____

   _____

   _____

   _____

2. Provide the specific zoning regulations from which a variance is requested: _____

   _____

3. Written justification for the requested variance shall be made. If the request is for a "use" variance, responses to the following questions shall be provided. The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following:

   a. Whether there are conditions that are unique to this lot, and not ordinarily found in the same zone or district? _____

      _____

   b. Did the applicant create these conditions? _____

      _____

   c. Whether the variance would adversely affect the rights of adjacent owners? _____

      _____

   d. Whether the variance would adversely affect the public health, safety or general welfare?

      _____

   e. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance? How? _____

      _____

   f. Whether the requested variance is the minimum action, which would afford relief to the applicant? _____

      _____

   g. What other economically viable use of the lot could be made within this zoning district? _____

      _____

Replacement Page 2/25/15

4. Written justification for the requested variance shall be made. If the request is for an "area" variance, responses to the following shall be provided. The practical difficulties standard shall apply to an area variance and the factors to be considered include, but not limited to, the following:

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

   _____

   b. Whether the variance is substantial. _____

   _____

   c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance. _____

   _____

   d. Whether the variance would adversely affect the delivery of governmental services.

   _____

   e. Whether the lot owner purchased the property with the knowledge of the zoning restriction. _____

   _____

   f. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance. _____

   _____

   g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. _____

   _____

I hereby certify that all of the information supplied in this application and attachments hereto are true and correct to the best of my knowledge, information, and belief. I understand that the zoning inspector or the board of zoning appeals may request additional information in order to ensure compliance with the zoning resolution.

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I hereby acknowledge that I understand that 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), or both.

_____
Appellant's Signature

Print Name: _____

_____
Date

****

FOR OFFICIAL USE ONLY

Application Number: _____

Zoning Certificate Application Number: _____

Date Notice Filed with Zoning Inspector: _____

Date Notice Filed with Board of Zoning Appeals: _____

Date of Notice to Parties in Interest: _____

Date of Notice: _____
(description of notice: name of newspaper, website, etc.)

Date of Public Hearing: _____

Amount of Appeal Fee Paid: $_____

I hereby acknowledge receipt of this notice of appeal requesting a variance this _____ day of _____, 20 ___.

_____
Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Print Name: _____

FORM NO. 13

NOTICE OF A PUBLIC HEARING

APPEAL FOR A VARIANCE TO THE

_____ TOWNSHIP ZONING RESOLUTION

Notice is hereby given that the _____ Township Board of Zoning Appeals will conduct a public hearing on an application, identified as number _____, on an appeal for a variance to the _____ Township Zoning Resolution on the _____ day of _____, 20 ___ at _____ o'clock ___.m. at _____.

This application, submitted by _____ requests that: _____

_____

Provide summary of application.

_____

_____

_____

_____

be granted for the lot located at _____.
(address and PPN)

_____
Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Print Name: _____

Publish: **Provide date.**

FORM NO. 14

NOTICE OF A PUBLIC HEARING TO THE PROPERTY OWNER

(ZONING APPEAL REQUESTING A VARIANCE)

_____ TOWNSHIP

Date:

TO:

Dear

This is to inform you that the _____ Township Board of Zoning Appeals will hold a public hearing on an application for an appeal requesting a variance on the _____ day of _____, 20 ___ at _____ o'clock ___.m. at _____.

This application, submitted by _____ requests that

_____

Provide summary of application.

_____

_____

_____

_____

be granted for the lot located at _____.
(address and PPN)

_____
Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Print Name: _____

_____
Date

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FORM NO. 15

NOTICE OF AN APPEAL

(ALLEGING ERROR BY THE

_____ TOWNSHIP ZONING INSPECTOR)

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

A. Name of Appellant: _____

Address of Appellant: _____

Telephone Number of Appellant: _____

Fax Number of Appellant: _____

E-mail Address of Appellant: _____

B. Name of Owner of Record: _____

Address of Owner of Record: _____

Telephone Number of Owner of Record: _____

Fax Number of Owner of Record: _____

E-mail Address of Owner of Record: _____

C. Address and PPN of the Lot: _____
(if different from appellant's current address)

D. Attach the names, addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road from the subject lot).

E. Attach documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease, or purchase agreement).

> **Note: If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.**

F. Attach a copy of the deed and legal description for the lot, as recorded with the Geauga County Recorder.

G. Provide the current zoning district in which the lot is located: _____

_____

H. Provide a description of the existing use of the lot: _____

_____

I. Provide a description of the proposed use of the lot: _____

_____

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J. Attach two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:

1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
2. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.
3. The setback (in feet) from all lot lines of existing buildings, structures and uses on the lot, if any.
4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures; and, a copy of the floor plan for each floor of the building or structure.
6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).
7. The setback (in feet) from all lot lines of proposed buildings, structures and uses on the lot or of any addition or structural alteration to existing buildings or structures; and, the distance between existing and proposed detached buildings and structures.
8. The height (in feet) of existing buildings or structures on the lot.
9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
10. The name and location of the existing road(s), public and private, adjacent to the lot.
11. The number of dwelling units existing (if any) and proposed for the lot.
12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.
13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.
14. For nonresidential, commercial, and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
15. The location and dimensions (in feet) of any existing or proposed easements on the lot.
16. The location and description of any existing and proposed landscaping and buffer areas on the lot.
17. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.

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18. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.

19. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.

20. For nonresidential, commercial, and industrial uses: the location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.

21. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

K. For an appeal alleging error relative to sign regulations, provide the following information:

1. Attach two (2) copies of a drawing, drawn to scale and dated, showing the following information:

   a. The dimensions (in feet) of the sign.

   b. The area of the sign (per sign face) in square feet.

   c. The location of the sign on the building, structure, or property including dimensions (in feet) from the front and side lot lines.

   d. The height (in feet) of the sign.

   e. The method of illumination, if any.

   f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).

L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.

M. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.

N. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The “water management and sediment control” regulations set forth in Article XVI may apply and may be required as a part of the application.

O. The “riparian setback” regulations set forth in Article XV may apply and may be required as a part of the application.

Note: Optional regulation.

P. The following error was made by the zoning inspector in his/her determination of the application for the zoning certificate:

_____

_____

Replacement Page 7/1/14

I hereby certify that all of the information supplied in this application and attachments hereto is true and correct to the best of my knowledge, information and belief. I understand that the zoning inspector or the board of zoning appeals may request additional information in order to ensure compliance with the zoning resolution.

I hereby acknowledge that I understand that 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), or both.

_____
Appellant's Signature

Print Name: _____

_____
Date

****

FOR OFFICIAL USE ONLY

Application Number: _____

Zoning Certificate Application Number: _____

Zoning Certificate Number: _____

Date Notice Filed with Zoning Inspector: _____

Date Notice Filed with Board of Zoning Appeals: _____

Date of Notice to Parties in Interest: _____

Date of Notice: _____
(description of notice: name of newspaper, website, etc.)

Date of Public Hearing: _____

Amount of Appeal Fee Paid: $_____

I hereby acknowledge the receipt of this notice of appeal alleging error by the zoning inspector this _____ day of _____, 20 ___.

_____
Signature of Chairman or Secretary of
Township Board of Zoning Appeals

Print Name: _____

FORM NO. 16

NOTICE OF A PUBLIC HEARING TO THE PROPERTY OWNER

(ZONING APPEAL ALLEGING ERROR)

_____ TOWNSHIP

Date: _____

TO:

Dear

This is to inform you that the _____ Township Board of Zoning Appeals will hold a public hearing on an application, identified as number _____, for an appeal alleging error by the zoning inspector on the _____ day of _____, 20 ___ at _____ o'clock ___.m. at _____.

This application, submitted by _____ requests that _____

_____

Provide summary of application.

_____

_____

_____

_____

be granted for the lot located at _____.
(address and PPN)

_____
Signature of Chairman or Secretary of
Township Zoning Appeals

Print Name: _____

_____
Date

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FORM NO. 17

NOTICE OF A PUBLIC HEARING

APPEAL ALLEGING ERROR BY THE

_____ TOWNSHIP ZONING INSPECTOR

Notice is hereby given that the _____ Township Board of Zoning Appeals will conduct a public hearing on an application, identified as number _____, on an appeal alleging error by the _____ Township Zoning Inspector on the _____ day of _____, 20 ___ at _____ o'clock ___.m. at _____.

This application, submitted by _____ requests that: _____

_____

Provide summary of application.

_____

_____

_____

_____

be granted for the lot located at _____.
(address and PPN)

_____
Signature of Chairman or Secretary of
Township Board of Zoning Appeals

Print Name: _____

Publish: **Provide date.**

FORM NO. 18

_____ TOWNSHIP BOARD OF ZONING APPEALS

FINDINGS OF FACT RELATING TO AN APPEAL FOR A VARIANCE
NO. _____-_____
(Year)

At a public meeting held by the _____ Township Board of Zoning Appeals on _____ _____, 20 ___, _____ moved and _____ seconded the motion to adopt the following findings of fact pertaining to an appeal for a variance, identified as application number _____:

1. _____, appellant, is seeking (a use) (an area) variance from Article(s) _____, Section(s) _____ of the _____ Township Zoning Resolution.

2. The real property is located at _____ in the _____ zoning district of _____ Township. (address and PPN)

3. The public hearing on this matter was held by the Board on: _____.
(date)

4. Appellant claims entitlement to a variance because (note: attach additional sheets as necessary):

_____
_____
_____
_____
_____
_____

5. The following facts are relevant to the matter before this Board (note: attach additional sheets as necessary):

_____
_____
_____
_____
_____
_____

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6. Appellant (has) (has not) shown the existence of (an unnecessary hardship) (practical difficulties) pursuant to Article(s) _____, Section(s) _____ of the _____ Township Zoning Resolution.

Upon a call of the roll, the vote was as follows:

Yes or No

_____ _____
Member, Board of Zoning Appeals

Print Name: _____

_____ _____
Member, Board of Zoning Appeals

Print Name: _____

_____ _____
Member, Board of Zoning Appeals

Print Name: _____

_____ _____
Member, Board of Zoning Appeals

Print Name: _____

_____ _____
Member, Board of Zoning Appeals

Print Name: _____

Attested to by: _____
(Chairman) (Secretary) Board of Zoning Appeals

Print Name: _____

Date: _____

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FORM NO. 19

_____ TOWNSHIP BOARD OF ZONING APPEALS

DECISION RELATING TO AN APPEAL FOR A VARIANCE
NO. _____-_____
(Year)

At a public meeting held by the _____ Township Board of Zoning Appeals on _____ _____, 20 ___, _____ moved and _____ seconded the motion to (grant) (deny) the appeal for (a use) (an area) variance, identified as number _____, for the real property located at _____ filed by _____, appellant. (address and PPN)

The following specific conditions were included with the grant of the variance: _____

_____.

Upon a call of the roll, the vote was as follows:

	Yes or No
_____ Member, Board of Zoning Appeals Print Name: _____	_____
_____ Member, Board of Zoning Appeals Print Name: _____	_____
_____ Member, Board of Zoning Appeals Print Name: _____	_____
_____ Member, Board of Zoning Appeals Print Name: _____	_____
_____ Member, Board of Zoning Appeals Print Name: _____	_____

Attested to by: _____
(Chairman) (Secretary) Board of Zoning Appeals

Print Name: _____

_____
Date

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FORM NO. 20

NOTICE OF ACTION BY THE

_____ TOWNSHIP BOARD OF ZONING APPEALS

Date: _____

_____

_____

_____

RE: Application for Appeal No. _____

Dear _____:

Please be advised that the _____ Township Board of Zoning Appeals voted to (approve) (deny) the appeal, number _____, (for a variance) (alleging error by the zoning inspector) decided on _____ _____, 20 ___.
The following specific conditions were included with the grant of the variance: _____

_____

The decision of the board may be appealed to the Geauga County Court of Common Pleas within thirty (30) days from the date of the approval of the minutes by the board by a party in interest. Therefore, if you proceed within the next thirty (30) days be advised that you are doing so at your own risk.

Sincerely,

_____
Chairman or Secretary of

_____ Township Board of Zoning Appeals

Print Name: _____

FORM NO. 21

APPLICATION FOR A ZONING AMENDMENT

_____ TOWNSHIP

O.R.C. SECTION 519.12(A)

The undersigned owner(s) or lessee(s) of the following legally described real property hereby request the adoption of the following zoning amendment to the _____ Township Zoning Resolution.

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

A. Name of Applicant: _____

Address of Applicant: _____

Telephone Number of Applicant: _____

Fax Number of Applicant: _____

E-mail Address of Applicant: _____

B. Address(es) and PPN(s) of the lot(s): _____

C. Describe the present use of the lot(s): _____

D. Describe the present zoning classification of the lot(s): _____

E. Provide the text of the proposed amendment: (use strike-through on any existing text to be deleted and highlight proposed text) _____

_____

F. What is the proposed zoning district classification? (if applicable)_____

_____

G. Attach a copy of the deed(s) of record with a legal description for the lot(s) included in the proposed amendment. The applicant shall be the record title owner of the lot or an executed lease agreement for the affected lot shall be provided and written evidence submitted that the lessee has the owner's consent to make application.

H. Attach a map, drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the lot(s).

I. Attach a copy of the official township zoning map with the area proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable.

J. Attach a statement relative to the reason(s) for the proposed amendment and how it relates to the township land use plan.

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K. A site plan detailing existing and proposed buildings, structures, and uses on the affected lot(s) and documenting the provision and location(s) of sewage treatment and water supply systems.

L. Provide a list of the addresses and PPN's from the county auditor's current tax list of all owners of property within and contiguous and directly across the road from the area proposed to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.

I hereby certify that all of the information supplied in this application and attachments hereto is true and correct to the best of my knowledge, information and belief.

I hereby acknowledge that I understand that 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), or both.

_____
Applicant's Signature

Print Name: _____

_____
Date

****

FOR OFFICIAL USE ONLY

Application or Amendment Number: _____

Date Application Received: _____

Date of Submission to County Planning Commission: _____

Date of Public Hearing: _____

Dates, time and place of public examination: _____

Date of Notice to Property Owners: _____

Date of Notice: _____
(description of notice: name of newspaper, website, etc.)

Date of Submission to Board of Township Trustees: _____

Amount of Fee Paid: $_____

I hereby acknowledge the receipt of this application for a zoning amendment this _____ day of _____, 20 ___.

_____
Signature of Chairman or Secretary of Township Zoning Commission

Print Name: _____

FORM NO. 22

MOTION TO INITIATE AN AMENDMENT TO THE

_____ TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(A)

_____ moved the adoption of the following motion:

> That an amendment to the _____ Township Zoning Resolution, identified as number _____, consisting of _____ pages, marked Exhibit _____ and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the _____ Township Zoning Commission this _____ day of _____, 20 ___.

_____ seconded said motion. Upon the roll being called, the vote of the members of the zoning commission was as follows:

Member	Yes or No
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Attested to by:

_____
Secretary, Township Zoning Commission

Print Name: _____

_____
Date

Note: Existing text, in the attached exhibit, to be deleted shall be in strike-through and proposed text shall be highlighted.

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FORM NO. 23

MOTION TO INITIATE AN AMENDMENT TO THE

_____ TOWNSHIP ZONING RESOLUTION

AND THE ZONING MAP

O.R.C. SECTION 519.12(A)

_____ moved the adoption of the following motion:

> That an amendment to the _____ Township Zoning Resolution, identified as number _____, consisting of ___ pages, marked Exhibit ___ and attached hereto and incorporated herein as though fully rewritten, and an amendment to the _____ Township Zoning Map marked Exhibit ___ and attached hereto and incorporated herein, be hereby initiated by the _____ Township Zoning Commission this _____ day of _____, 20 ___.

_____ seconded said motion. Upon the roll being called, the vote of the members of the zoning commission was as follows:

Member	Yes or No
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Attested to by:

_____
Secretary, Township Zoning Commission

Print Name: _____

_____
Date

Note: Existing text, in the attached exhibit, to be deleted shall be in strike-through and proposed text shall be highlighted. A proposed rezoning shall be shown on the zoning map, attached in the exhibit, by identifying and delineating the existing zoning district classification and the proposed zoning district classification.

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FORM NO. 24

RESOLUTION TO INITIATE AN AMENDMENT TO THE

_____ TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(A)

_____ moved the adoption of the following resolution:

> That an amendment to the _____ Township Zoning Resolution, identified as number _____, consisting of _____ pages, marked Exhibit _____ and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the _____ Township Board of Trustees this _____ day of _____, 20 ___.

_____ seconded said motion. Upon the roll being called, the vote of the members of the board of township trustees was as follows:

Trustee	Yes or No
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Attested to by:

_____
Township Fiscal Officer

Print Name: _____

_____
Date

Note: Existing text, in the attached exhibit, to be deleted shall be in strike-through and proposed text shall be highlighted.

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FORM NO. 25

RESOLUTION TO INITIATE AN AMENDMENT TO THE

_____ TOWNSHIP ZONING RESOLUTION

AND THE ZONING MAP

O.R.C. SECTION 519.12(A)

_____ moved the adoption of the following resolution:

> That an amendment to the _____ Township Zoning Resolution, identified as number _____, consisting of _____ pages, marked Exhibit _____ and attached hereto and incorporated herein as though fully rewritten, and an amendment to the _____ Township Zoning Map marked Exhibit _____ and attached hereto and incorporated herein, be hereby initiated by the _____ Township Board of Trustees this _____ day of _____, 20 ___.

_____ seconded said motion. Upon the roll being called, the vote of the members of the board of township trustees was as follows:

Trustee	Yes or No
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Attested to by:

_____
Township Fiscal Officer

Print Name: _____

_____
Date

Note: Existing text, in the attached exhibit, to be deleted shall be in strike-through and proposed text shall be highlighted. A proposed rezoning shall be shown on the zoning map, attached in the exhibit, by identifying and delineating the existing zoning district classification and the proposed zoning district classification.

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FORM NO. 26

CERTIFICATION OF A RESOLUTION

TO INITIATE A PROPOSED AMENDMENT TO THE

_____ TOWNSHIP ZONING RESOLUTION TO THE

_____ TOWNSHIP ZONING COMMISSION

O.R.C. SECTION 519.12(A)

I, _____, Fiscal Officer of _____ Township, Geauga County, Ohio, do hereby certify that the resolution attached hereto, identified as number _____, is taken and copied from the record of proceedings of the Board of Township Trustees of _____ Township, Geauga County, Ohio; that the same has been compared by me with the resolution contained in said record and that it is a true and accurate copy thereof.

Witness my signature, this _____ day of _____, 20 ___.

_____
Township Fiscal Officer

Print Name: _____

Received by _____ Township Zoning Commission this _____ day of _____, 20 ___.

_____
Chairman or Secretary of
Township Zoning Commission

Print Name: _____

Note: Amendments to the zoning resolution may be initiated by the passage of a resolution therefor by the board of township trustees. The board of township trustees shall, upon the passage of such resolution, certify it to the township zoning commission.

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FORM NO. 27

MOTION TO SET A DATE

FOR A PUBLIC HEARING ON A

PROPOSED AMENDMENT TO THE

_____ TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(A) or (E)

The _____ Township (Board of Township Trustees) (Zoning Commission), Geauga County, Ohio, met in _____ session on the _____ day of _____, 20 ___, at _____ with the following members present:

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____ moved the adoption of the following motion:

That the _____ Township (Board of Township Trustees) (Zoning Commission) conduct a public hearing on the proposed amendment, identified as number _____, to the _____ Township Zoning Resolution as attached hereto on the _____ day of _____, 20 ___ at _____ o'clock ___.m. at the _____.

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_____ seconded the motion and the roll being called, the vote of the _____ Township (Board of Township Trustees) (Zoning Commission) was as follows.

Member	Yes or No
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Adopted the _____ day of _____, 20 ___.

Attested to by:

_____
(Township Fiscal Officer)
(Secretary, Township Zoning Commission)

Print Name: _____

Note: Upon the adoption of the motion, or the certification of the resolution, or the filing of the application for a proposed zoning amendment, the township zoning commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the adoption of such motion, or the certification of such resolution, or the filing of such application.

The board of township trustees shall, upon receipt of the recommendation of the township zoning commission on a proposed zoning amendment, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of the recommendation from the township zoning commission.

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FORM NO. 28

NOTICE OF A PUBLIC HEARING

ON (MOTION) (RESOLUTION) (APPLICATION)

PROPOSING TO AMEND THE

_____ TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(C)

Notice is hereby given that the _____ Township Zoning Commission will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number _____, to the _____ Township Zoning Resolution at the _____ at _____ o'clock ___.m. on _____ _____, 20 ___.

The addresses and PPN's of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the county auditor's current tax list are:

_____

_____

_____

The present zoning classification of property named in the proposed amendment is _____.

The proposed zoning classification of property named in the proposed amendment is _____.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the _____ from _____ o'clock ___.m. to _____ o'clock ___.m. from _____ _____, 20 ___ through _____ _____, 20 ___.

After the conclusion of the public hearing the matter will be submitted to the board of township trustees for its action.

_____
Name of person responsible for giving notice of public hearing

Print Name: _____

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Note: **This notice should be used only if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.**

The date of the public hearing shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of the resolution or the date of adoption of the motion or the date of the filing of the application.

This notice of public hearing shall be given by the township zoning commission pursuant to O.R.C. 519.12(A)(2) by one (1) publication at least ten (10) days before the date of the hearing using one of the following methods:

a) In the print or digital edition of one or more newspapers of general circulation in the township;
b) On the official public notice website established under section 125.182 of the Revised Code;
c) On the web site and social media account of the township.

This notice of public hearing shall also be sent by the zoning commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within and contiguous to and directly across the road from the area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list.

The motion, resolution, or application proposing to amend the zoning resolution must be available for examination for a period of at least ten (10) days prior to the public hearing.

FORM NO. 29

NOTICE OF A PUBLIC HEARING

ON (MOTION) (RESOLUTION) (APPLICATION)

PROPOSING TO AMEND THE

_____ TOWNSHIP ZONING RESOLUTION

O.RC. SECTION 519.12(D)

Notice is hereby given that the _____ Township Zoning Commission will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number _____, to the _____ Township Zoning Resolution at the _____ at _____ o'clock ___.m. on _____, 20 ___.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the _____ from _____ o'clock ___.m. to _____ o'clock ___.m. from _____ _____, 20 ___ through _____ _____, 20 ___.

After the conclusion of the public hearing, the matter will be submitted to the board of township trustees for its action.

_____
Name of person responsible for giving notice of public hearing

Print Name: _____

Publish: _____ _____, 20 ___

Note: **This notice should be used only if the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list.**

The date of the public hearing shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of the resolution or the date of adoption of the motion or the date of the filing of the application.

This notice of publication shall be given by the township zoning commission pursuant to O.R.C. 519.12(A)(2) by one (1) publication at least ten (10) days before the date of the hearing using one of the following methods:

a) In the print or digital edition of one more newspapers of general circulation in the township;
b) On the official public notice website established under section 125.182 of the Revised Code;
c) On the website and social media account of the township.

The motion, resolution, or application proposing to amend the zoning resolution must be available for examination for a period of at least ten (10) days prior to the public hearing.

FORM NO. 30
TRANSMISSION OF A COPY OF THE (RESOLUTION) (MOTION) (APPLICATION) FOR A PROPOSED AMENDMENT TO THE _____ TOWNSHIP ZONING RESOLUTION TOGETHER WITH THE TEXT (AND THE MAP) PERTAINING THERETO TO THE COUNTY PLANNING COMMISSION
O.R.C. SECTION 519.12(E)

The _____ Township Zoning Commission hereby submits the attached copy of the (resolution) (motion) (application) for a proposed amendment, identified as number _____, to the _____ Township Zoning Resolution together with the attached text (and the map) pertaining thereto to the Geauga County Planning Commission this _____ day of _____, 20 ___.

_____ Township Zoning Commission

_____
Member

Print Name: _____

_____
Member

Print Name: _____

_____
Member

Print Name: _____

_____
Member

Print Name: _____

_____
Member

Print Name: _____

Attested to by:

_____
Secretary, Township Zoning Commission

Print Name: _____

Received by the Geauga County Planning Commission this _____ day of _____, 20 ___.

_____
Signature of Planning Commission
Member or Employee

Print Name: _____

Note: Within five (5) days after the adoption of the motion or the certification of the resolution or the filing of the application for a proposed zoning amendment, the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county planning commission.

The county planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the township zoning commission. Such recommendation shall be considered at the public hearing held by the township zoning commission on such proposed amendment.

FORM NO. 31

RECOMMENDATION OF THE
_____ TOWNSHIP ZONING COMMISSION
CONCERNING A PROPOSED AMENDMENT TO THE
_____ TOWNSHIP ZONING RESOLUTION
O.R.C. SECTION 519.12(E)

The _____ Township Zoning Commission, Geauga County, Ohio met in _____ session on the _____ day of _____, 20 ___, at _____ with the following members present:

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____ moved the adoption of the following motion:

That the _____ Township Zoning Commission recommend the (approval) (denial) of the proposed amendment to the _____ Township Zoning Resolution as attached hereto

or

That the _____ Township Zoning Commission recommend the approval of the following modification to the proposed amendment to the _____ Township Zoning Resolution as attached hereto:

Set forth modification.

_____

_____

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_____ seconded the motion and the roll being called the vote of the _____ Township Zoning Commission was as follows.

Member	Yes or No
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Adopted the _____ day of _____, 20 ___.

Attested to by:

_____
Secretary, Township Zoning Commission

Print Name: _____

Received by _____ Township Board of Township Trustees this _____ day of _____, 20 ___.

_____
Township Fiscal Officer

Print Name: _____

Note: The township zoning commission shall, within thirty (30) days after the public hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with the application or resolution, the text and map pertaining thereto and the recommendation of the county planning commission thereon to the board of township trustees.

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FORM NO. 32

SUBMISSION OF A RECOMMENDATION OF THE _____ TOWNSHIP ZONING COMMISSION ON A PROPOSED AMENDMENT TO THE _____ TOWNSHIP ZONING RESOLUTION TOGETHER WITH THE (RESOLUTION) (MOTION) (APPLICATION), AND THE TEXT (AND THE MAP) PERTAINING THERETO AND THE RECOMMENDATION OF THE COUNTY PLANNING COMMISSION TO THE _____ TOWNSHIP BOARD OF TRUSTEES O.R.C. SECTION 519.12(E)

The _____ Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number _____, to the _____ Township Zoning Resolution together with the attached (resolution) (motion) (application), and text (and map) pertaining thereto and the attached recommendation of the Geauga County Planning Commission to the _____ Township Board of Township Trustees this _____ day of _____, 20 ___.

_____ Township Zoning Commission

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

Attested to by:

_____
Secretary, Township Zoning Commission

Print Name: _____

Received by _____ Township Board of Township Trustees this _____ day of _____, 20 ___.

_____
Township Fiscal Officer

Print Name: _____

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FORM NO. 33

NOTICE OF A PUBLIC HEARING

ON (MOTION) (RESOLUTION) (APPLICATION)

PROPOSING TO AMEND THE

_____ TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(F)

Notice is hereby given that the _____ Township Board of Township Trustees will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number _____, to the _____ Township Zoning Resolution at the _____ at _____ o'clock ___.m. on _____ _____, 20 ___.

The addresses and PPN's of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the county auditor's current tax list are:

_____

_____

_____

_____

The present zoning classification of property named in the proposed amendment is _____.

The proposed zoning classification of property named in the proposed amendment is _____.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the _____ from _____ o'clock ___.m. to _____ o'clock ___.m. from _____ _____, 20 ___ through _____ _____, 20 ___.

_____
Name of person responsible for
giving notice of public hearing

Print Name: _____

Publish: _____ _____, 20 ___.

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Note: **This notice should be used only if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.**

The date of the public hearing shall not be more than thirty (30) days from the date of the receipt of the recommendation from the township zoning commission.

This notice of public hearing shall be given by the board pursuant to O.R.C. 519.12(E)(3) by one (1) publication, at least ten (10) days before the date of the hearing using one of the following methods:

a) In the print or digital edition of one or more newspapers of general circulation in the township;
b) On the official public notice website established under section 125.182 of the Revised Code;
c) On the website and social media account of the township.

The motion, resolution, or application proposing to amend the zoning resolution must be available for examination for a period of at least ten (10) days prior to the public hearing.

FORM NO. 34

NOTICE OF A PUBLIC HEARING

ON (MOTION) (RESOLUTION) (APPLICATION)

PROPOSING TO AMEND THE

_____ TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(G)

Notice is hereby given that the _____ Township Board of Township Trustees will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number _____, to the _____ Township Zoning Resolution at the _____ at _____ o'clock ___.m. on _____ _____, 20 ___.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the _____ from _____ o'clock ___.m. to _____ o'clock ___.m. from _____ _____, 20 ___ through _____ _____, 20 ___.

_____
Name of person responsible for
giving notice of public hearing

Print Name: _____

Publish: _____ _____, 20 ___.

Note: **This notice should be used only if the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list.**

The date of the public hearing shall not be more than thirty (30) days from the date of the receipt of the recommendation from the township zoning commission.

This notice of publication shall be given by the board pursuant to O.R.C. 519.12(E)(3) by one (1) publication at least ten (10) days before the date of the hearing using one of the following methods:

a) In the print or digital edition of one or more newspapers of general circulation in the township;
b) On the official public notice website established under section 125.182 of the Revised Code;
c) On the website and social media account of the township.

The motion, resolution, or application proposing to amend the zoning resolution must be available for examination for a period of at least ten (10) days prior to the public hearing.

FORM NO. 35

(ADOPTION) (DENIAL) (ADOPTION OF MODIFICATION) OF THE RECOMMENDATIONS OF THE _____ TOWNSHIP ZONING COMMISSION BY THE _____TOWNSHIP BOARD OF TRUSTEES O.R.C. SECTION 519.12(H)

The _____ Township Board of Township Trustees, Geauga County, Ohio met in _____ session on the _____ day of _____, 20 ___, at _____ with the following members present:

_____

Print Name: _____

_____

Print Name: _____

_____

Print Name: _____

_____ moved the adoption of the following resolution:

WHEREAS, on the _____ day of _____, 20 ___, the board of township trustees received a recommendation from the township zoning commission on a proposed amendment, identified as number _____, to the _____ Township Zoning Resolution together with the (motion) (resolution) (application), text, (map), and recommendation of the county planning commission relating thereto; and

WHEREAS, on the _____ day of _____, 20 ___, the board of township trustees conducted a public hearing on the proposed amendment as provided by law; therefore be it

RESOLVED, that the _____ Township Board of Township Trustees, Geauga County, Ohio this _____ day of _____, 20 ___ hereby (adopts) (denies) (adopts the following modifications of) the recommendations of the township zoning commission as attached hereto as exhibit A and incorporated herein.

Set forth modifications, if any.

_____

_____

_____

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(If the proposed zoning amendment is being adopted or adopted with modifications, the following should also be resolved by the board of township trustees)

and be it further,

RESOLVED, that the _____ Township Board of Township Trustees, Geauga County, Ohio, this _____ day of _____, 20 ___ hereby adopts an amendment to the _____ Township Zoning Resolution (and Zoning Map) as set forth in the text (and map) attached hereto as exhibits _____ (and _____) and incorporated herein.

_____ seconded the motion and the roll being called the vote of the _____ Township Board of Township Trustees was as follows:

Trustee	Yes or No
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Adopted the _____ day of _____, 20 ___.

Attested to by:

_____
Township Fiscal Officer

Print Name: _____

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Note: The text and map of the zoning amendment attached to the resolution and adopted by the board should be signed by the members of the board of township trustees and attested to by the township fiscal officer.

Note: Within twenty (20) days after the public hearing the board shall either adopt or deny the recommendations of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the township zoning commission a majority vote of the board shall be required.

Such amendment adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or past thereof included in the zoning plan equal to not less than thirty-five percent (35%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. If a majority of the vote cast on the issue is in favor of the amendment, upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect.

FORM NO. 36

FILING OF A ZONING AMENDMENT ADOPTED BY THE

_____ TOWNSHIP BOARD OF TRUSTEES

WITH THE GEAUGA COUNTY RECORDER

O.R.C. SECTION 519.12(H)

The attached copy of a zoning amendment, identified as number _____, to the _____ Township Zoning Resolution marked exhibit _____ and effective on _____ _____, 20 ___ is hereby filed with the Geauga County Recorder this _____ day of _____, 20 ___. I hereby certify that the attached amendment is a true and correct copy taken from the official records of _____ Township.

_____, Fiscal Officer

Print Name: _____

_____ Township

Note: Within five (5) working days after an amendment's effective date, the board of township trustees shall file the text and map(s) of the amendment in the office of the county recorder.

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FORM NO. 37

FILING OF A ZONING AMENDMENT ADOPTED BY THE

_____ TOWNSHIP BOARD OF TRUSTEES

WITH THE GEAUGA COUNTY PLANNING COMMISSION

O.R.C. SECTION 519.12(H)

The attached copy of a zoning amendment, identified as number _____, marked exhibit _____ and effective on _____ _____, 20 ___ is hereby filed with the Geauga County Planning Commission this _____ day of _____, 20 ___. I hereby certify that the attached amendment is a true and correct copy taken from the official records of _____ Township.

_____, Fiscal Officer

Print Name: _____

_____ Township

Note: Within five (5) working days after an amendment's effective date, the board of township trustees shall file the text and map(s) of the amendment in the office of the county planning commission.

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SECTION 519.12 OF THE OHIO REVISED CODE
ZONING AMENDMENTS

(A) (1) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

(2) Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A) (1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission pursuant to O.R.C. Section 519.12(A)(2) at least ten (10) days before the date of the hearing.

(B) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the township zoning commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

(C) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and include all of the following:

(1) The name of the township zoning commission that will be conducting the hearing;

(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;

(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;

(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the hearing;

(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;

(8) Any other information requested by the commission.

(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;

(6) Any other information requested by the commission.

(E) Within five (5) days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment.

The township zoning commission, within thirty (30) days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

The board of township trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board pursuant to O.R.C. 519.12(E)(3), at least ten (10) days before the date of the hearing.

(F) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the board of township trustees that will be conducting the hearing;

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;

(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the hearing;

(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

(7) Any other information requested by the board.

(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the board of township trustees that will be conducting the hearing on the proposed amendment;

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) Any other information requested by the board.

(H) Within twenty (20) days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required.

The proposed amendment, if adopted by the board, shall become effective in thirty (30) days after the date of its adoption, unless, within thirty (30) days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than thirty-five percent (35%) of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety (90) days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

"PETITION FOR ZONING REFERENDUM

(if the proposal is identified by a particular name or number, or both, these should be inserted here)…….

A proposal to amend the zoning map of the unincorporated area of ……. Township, ……. County, Ohio, adopted …… (date) …… (followed by brief summary of the proposal).

To the Board of Township Trustees of …….Township, …… County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of ……Township, included within the …… Township Zoning Plan, equal to not less than thirty-five percent (35%) of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to the electors of ……. Township residing within the unincorporated area of the township included in the ……. Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the primary or general election to be held on …… (date) ……, pursuant to Section 519.12 of the Ohio Revised Code.

Street Address	Date of Signature or R.F.D.	Township	Precinct	County	Signing

STATEMENT OF CIRCULATOR

I, ……(name of circulator) ……, declare under penalty of election falsification that I am an elector of the state of Ohio and reside at the address appearing below my signature; that I am the circulator of the foregoing part petition containing …… (number) …… signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to Section 3501.382 of the Ohio Revised Code.

.....
(Signature of circulator)

.....
(Address of circulator's permanent residence in this state)

.....
(City, village, or township, and zip code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two (2) weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than ninety (90) days prior to the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least ninety (90) days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect.

Within five (5) working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission, if one exists.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

TOWNSHIP ZONING AMENDMENT PROCEDURE
O.R.C. SECTION 519.12

(1) INITIATE AMENDMENT:
APPLICATION BY PROPERTY OWNER OR LESSEE
MOTION BY TOWNSHIP ZONING COMMISSION
RESOLUTION BY BOARD OF TOWNSHIP TRUSTEES

(2) TOWNSHIP ZONING COMMISSION SETS DATE OF PUBLIC HEARING NOT LESS THAN 20 NOR MORE THAN 40 DAYS FROM DATE OF INITIATION.

(3) TOWNSHIP ZONING COMMISSION TRANSMITS A COPY OF THE TEXT AND MAP OF THE AMENDMENT TO THE COUNTY PLANNING COMMISSION WITHIN 5 DAYS OF INITIATION.

(4) TOWNSHIP ZONING COMMISSION PLACES A LEGAL NOTICE ON THE AMENDMENT PURSUANT TO O.R.C. 519.12(A)(2) NOT LESS THAN 10 DAYS PRIOR TO THE PUBLIC HEARING. IF THE AMENDMENT INTENDS TO REZONE 10 OR FEWER LOTS, THEN A NOTICE MUST BE MAILED TO ADJACENT PROPERTY OWNERS AS WELL.

(5) COUNTY PLANNING COMMISSION REVIEWS AMENDMENT AND OFFERS ITS FORMAL RECOMMENDATION TO THE TOWNSHIP ZONING COMMISSION.

(6) TOWNSHIP ZONING COMMISSION HOLDS PUBLIC HEARING AND CONSIDERS RECOMMENDATION OF COUNTY PLANNING COMMISSION

(7) TOWNSHIP ZONING COMMISSION CLOSES PUBLIC HEARING AND MUST VOTE TO RECOMMEND APPROVAL, DENIAL, OR APPROVAL OF SOME MODIFICATION OF THE AMENDMENT WITHIN 30 DAYS AFTER THE PUBLIC HEARING.

(8) TOWNSHIP ZONING COMMISSION SUBMITS ITS RECOMMENDATION ON AMENDMENT, APPLICATION OR RESOLUTION, TEXT AND MAP, AND RECOMMENDATION OF COUNTY PLANNING COMMISSION TO BOARD OF TOWNSHIP TRUSTEES.

(9) UPON RECEIPT, THE BOARD OF TOWNSHIP TRUSTEES MUST SET A PUBLIC HEARING DATE NOT MORE THAN 30 DAYS FROM THE DATE OF RECEIPT OF THE ZONING COMMISSION'S RECOMMENDATION ON AMENDMENT.

(10) BOARD OF TOWNSHIP TRUSTEES PLACES A LEGAL NOTICE PURSUANT TO O.R.C. 519.12(E)(3) NOT LESS THAN 10 DAYS PRIOR TO THE PUBLIC HEARING.

(11) BOARD OF TOWNSHIP TRUSTEES HOLDS PUBLIC HEARING. BOARD REVIEWS RECOMMENDATIONS OF COUNTY PLANNING COMMISSION AND TOWNSHIP ZONING COMMISSION.

(12) BOARD OF TOWNSHIP TRUSTEES CLOSES PUBLIC HEARING AND WITHIN 20 DAYS MUST VOTE TO ADOPT OR DENY THE RECOMMENDATION OF THE TOWNSHIP ZONING COMMISSION, OR ADOPT SOME MODIFICATION THEREOF. IF RECOMMENDATION OF THE TOWNSHIP ZONING COMMISSION IS DENIED OR MODIFIED, A MAJORITY VOTE OF THE BOARD IS REQUIRED.

(13) THE AMENDMENT, IF ADOPTED, SHALL BECOME EFFECTIVE IN 30 DAYS AFTER THE DATE OF ADOPTION UNLESS A REFERENDUM PETITION IS PRESENTED TO THE BOARD OF TOWNSHIP TRUSTEES WITHIN THE 30 DAY TIME PERIOD.

(14) IF THE PETITION IS VALIDATED BY THE COUNTY BOARD OF ELECTIONS, THE AMENDMENT SHALL NOT TAKE EFFECT UNTIL THE RESULTS OF THE ELECTION HAVE BEEN CERTIFIED BY THE COUNTY BOARD OF ELECTIONS AND A MAJORITY OF VOTES ARE CAST IN FAVOR OF THE AMENDMENT.

(15) WITHIN 5 WORKING DAYS AFTER AN AMENDMENT'S EFFECTIVE DATE, COPIES THEREOF SHALL BE FILED BY THE BOARD OF TOWNSHIP TRUSTEES WITH THE COUNTY RECORDER AND THE COUNTY PLANNING COMMISSION OFFICE.

(16) O.R.C. SECTION 519.122 PROVIDES THAT NO ACTION CHALLENGING THE VALIDITY OF A ZONING RESOLUTION OR OF ANY AMENDMENT THERETO BECAUSE OF A PROCEDURAL ERROR IN THE ADOPTION OF THE RESOLUTION OR AMENDMENT SHALL BE BROUGHT MORE THAN 2 YEARS AFTER THE ADOPTION OF THE RESOLUTION OR AMENDMENT.

PREPARED BY: GCPC 10/08. NOTE: THIS SUMMARY IS NOT MEANT TO REPLACE O.R.C. SECTION 519.12. Updated 12/10/25