

BURTON TOWNSHIP ZONING RESOLUTION

as Amended
August 14, 2019

Adopted July 15, 2019
Effective August 14, 2019

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AUGUST 14, 2019:

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AUGUST 02, 2012:

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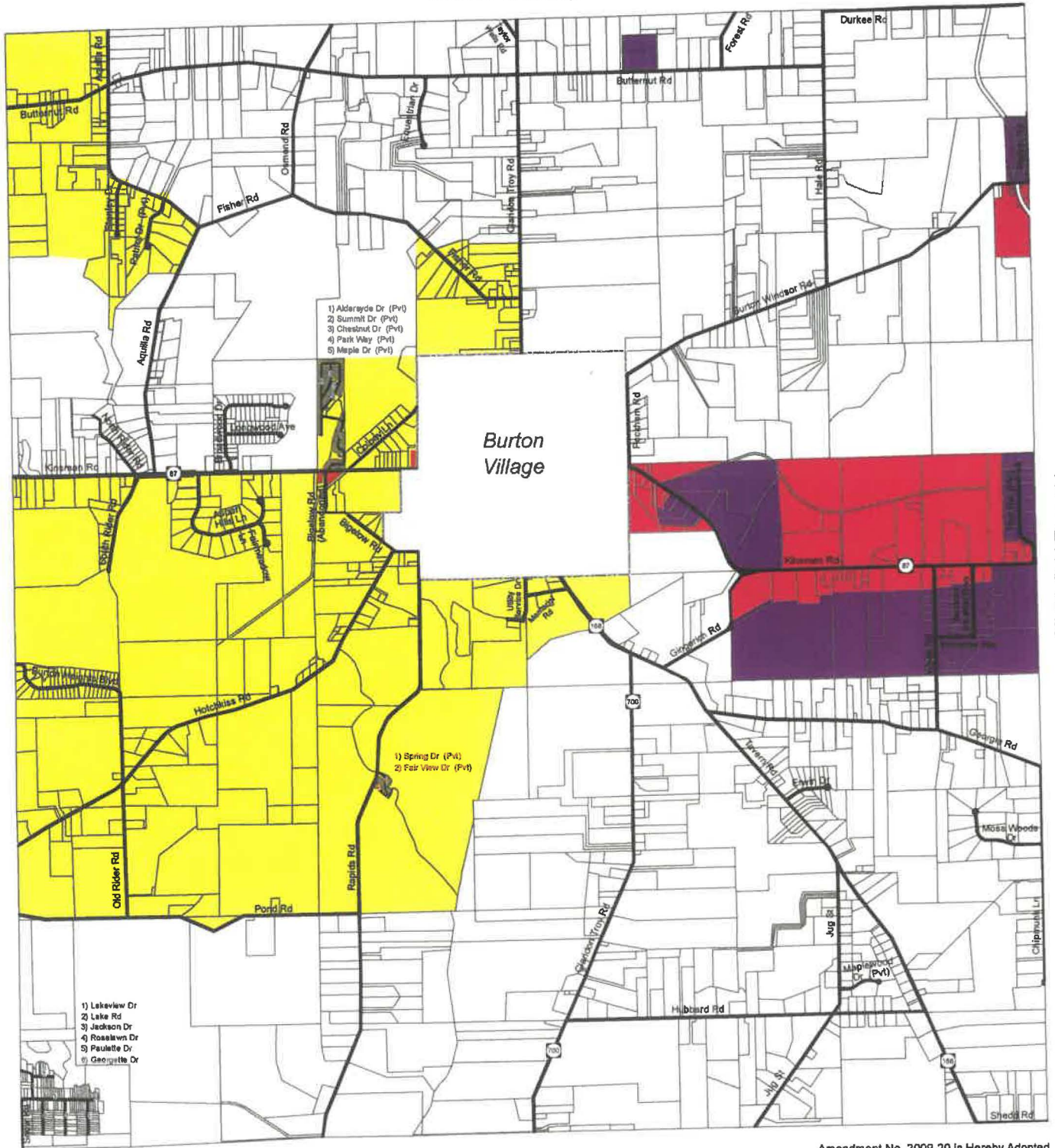
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END OF AMENDMENTS

INSERT MAP



Zoning Districts

- R-3: Medium Density Residential
- R-5: Low Density Residential
- C-O: Commercial Office
- I-O: Industrial Office

Burton Township Zoning Map



Prepared By: Geauga County Planning Commission, 9/28/1999.
 Revised: November 2000, July 2008, December 2009.
 Lot Lines and Roads Updated March 2016.

Note: The Geauga County Planning Commission does not warrant the accuracy of this map. It is not based upon a land survey.

Amendment No. 2009-20 is Hereby Adopted by the Burton Township Board of Trustees this 15th Day of December, 2009.

Jim Dvorak, Trustee
 Louis Mucci, Trustee
 Daniel Whiting, Trustee

Effective the 15th Day of January, 2010.

Evelyn Luoma, Fiscal Officer

Roads and Lot Lines Updated This _____ Day of _____, 20____.

Ken Burnett, Trustee

Dan Whiting, Trustee

Jim Dvorak, Trustee

Shelley McDermott, Fiscal Officer

ARTICLE 1

GENERAL PROVISIONS

Section

100.0 Title

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

101.0 Jurisdiction

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

102.0 Purpose of Zoning Resolution

This resolution has been enacted, 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. 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 facilities, 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.

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.

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. 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 R.C. 519.21(B).

- B. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to R.C. 519.211 (B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunication 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.
- E. This resolution does not apply with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901., 4903., 4905., 4909., 4921., and 4923. of the 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 effect amateur radio service communications and shall comply with 47 C.F.R. 9715.
- 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 5713.10 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 derives 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 as defined in this resolution.

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

- A. The board of township trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, conditional zoning certificates, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees

shall be posted in the office of the zoning inspector and township Fiscal Officer, and may be altered or amended only by resolution of the board of township trustees.

- B. Each application for a zoning certificate, amendment, or conditional zoning certificate and notice of appeal shall be accompanied by the fee so established.
- C. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

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

- A. The time within which an act is required by law to be done shall be computed by excluding the first 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.
- B. When a public office in which an act, required by law, is to be performed is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or legal holiday as defined in R.C. 1.14.
- C. "Legal holiday" as used in this section means the days set forth in R.C. 1.14. If any day designated in R.C. 1.14 as a legal holiday falls on Sunday, the next succeeding day is a legal holiday.

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.

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.

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.

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.

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

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.

113.0 Severability

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

END OF ARTICLE I

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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.

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

“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.

“Amusement arcade” means a place of business having five (5) or more mechanical or electrically operated amusement devices which are used for the purpose of public entertainment through the operation, use or play, or any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key or token of value obtained by payment of a fee.

“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.

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

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

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

“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 height” means the vertical distance measured from the finished grade level to the highest point of the building.

“Building line” see setback line.

“Cemetery” means land used or intended to be used for the burial of the human or animal dead.

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

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

“Collocation” means locating wireless telecommunication antennas and appurtenant equipment from more than one provider on a single, wireless telecommunication tower site.

“Conditional use” means a use within a zoning district other than a permitted use requiring approval by the township board of zoning appeals and the issuance of a conditional zoning certificate.

“Conditional zoning certificate” means a certificate issued by the zoning inspector upon approval by the township Board of zoning appeals for a conditional use.

“County” means Geauga County, Ohio

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

“Deck” means a structure with or without a roof that is attached to a building or is freestanding and is supported by posts.

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

“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.

“District” means a portion of the township shown on the 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 any 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 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 complete 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.

"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.

"Family" means one (1) or more persons related by blood, adoption 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" means a tract of land devoted to agricultural purposes.

"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 finished grade of the ground adjacent to a building or structure.

"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.

"Frontage" see lot line, front.

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

"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.

"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.

"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 can not be handled by routine waste management techniques.

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

"Industrial and Commercial Zone" means a designated zone for the operation of Industrial manufacturing and commercial activities, in accordance with this resolution.

"Industrialized unit" means a structure as defined in Ohio Revised Code 3781.10 for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62 (A). Industrialized unit does not include a manufactured home or a mobile home as defined in this resolution.

“Junk” means old or scrap copper, brass, rope, rags, trash, wastes, batteries, paper, rubber, 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: (1) Three years old or older; (2) apparently inoperable; (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.

“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 Manufacturing, Fabrication and Assembly” means industrial type uses which may include the design, assembly, processing, creation, formation, production, or construction of products and equipment from previously manufactured components, where such operations conform to the requirements of Section 403.12 hereof, but shall not include any operations that involve the reduction, refining, heat treatment, or chemical conversion of primary raw materials, or the manufacture and/or distribution of asphalt, concrete, or fuel.

“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, measurements” a lot shall be measured as follows:

“Depth” means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

“Width” means the shortest distance that occurs between the side lot lines measured anywhere between the front lot line and the setback 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 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.

“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. If the rear lot line forms a point, then the rear lot line shall be a line ten (10) feet in length within the lot, drawn parallel to and the maximum distance from the front lot line.

“Lot line, side” means any boundary 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 the Ohio Revised Code 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 the Ohio Revised Code Section 3733.01(A).

“Mechanical or electrically operated amusement device” means any machine, device, or instrument which by the payment of a fee or other things of value or by the insertion of a coin, plate, disc, slug, key or token operates or may be operated as a game, contest or amusement, of any description, or which may be used for any such games, contest or amusement and which contains no automatic pay-off device for the return of money, coins, tokens, or merchandise or check redeemable in money or anything of value. Mechanical or electrically operated amusement devices include, but are not limited to devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as a electronic game and other similar types of devices provided, however, that this definition is not intended to nor shall it be construed to include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

“Medical marijuana” or “marihuana” 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 the Ohio Revised Code Section 4501.01 (o), and 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.

“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 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.

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

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

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

"Personal wireless services" means a 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)

"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 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 holds a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any other 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 any 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 prices? (For example, does marketplace competition force providers to stay fairly priced?)
3. Is there public oversight of rates and charges?

“Radio” means the communication of impulses, sounds, and pictures through space by the electromagnetic waves.

“Recreational vehicle” means a vehicular portable structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in Ohio Revised Code 4501.01.

“Retail Store” means establishments selling goods or products to the general public and/or end consumers which are not otherwise specifically identified or described in Section 403.2 hereof.

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

“Satellite dish antenna” means an accessory structure capable of receiving for the sole benefit of the principle use it serves, radio or television signals from a transmitter relay located orbitally. The 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.

“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, side, and rear.

“Sexually Oriented Business” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.

1. “Adult arcade” means an establishment where coin operated or slug/token operated or electronically, electrically

or mechanically controlled still or motion picture machines, projectors or other image-producing or image-transmitting devices are maintained to show images to no more than one (1) person per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas." See also video viewing booth or arcade booth.

2. "Adult bathhouse or sauna" means a steam bath or heated bathing room used for the purpose of bathing, relaxation, or using steam or hot air as a cleaning, relaxing or reducing agent and the service provided is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
3. "Adult Bookstore, Adult Novelty Store Or Adult Video Store" means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as Adult Bookstore, Adult Novelty Store, or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Bookstore, Adult Novelty Store, or Adult Video Store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

1. "Adult Cabaret" means a nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that regularly features: (1) Persons who appear in a state of nudity or semi-nudity; (2)

Live entertainment characterized by the exposure of “specified anatomical areas” or the depiction or description of “specified sexual activities; or (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specific sexual activities” or “specific anatomical areas”.

2. “Adult Motion Picture Theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
3. “Adult Theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

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

“Establishment” includes any of the following:

1. The opening or commencement of any Sexually Oriented Business as a new business;
2. The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;
3. The additions of any Sexually Oriented Business to any other existing Sexually Oriented Business; or
4. The relocation of any Sexually Oriented Business

“Nude Model Studio” means a place where a person who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

“Nude Model Studio” shall not include:

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

"Nudity or A State Of Nudity or Nude" means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernible turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

"Principal Business Purpose" means forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for consideration, whichever is the greater.

"Seminudity or Seminude Condition or Seminude" means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

"Sexual Encounter Center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: (1) Physical contact in

the form of wrestling or tumbling between persons of the opposite sex; or (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.

“Specified Anatomical Areas” means

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

“Specified Sexual Activities” means

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy, or
3. Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.

“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.

“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.

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

“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.

“Site” means, for the purpose of telecommunications towers, antennas, and facilities only; how or in what manner such towers,

antennas, and facilities may be situated on a lot, building, or structure.

“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:

1. Human genitals in a state of sexual stimulation or arousal;
2. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast;
3. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
4. Masturbation, actual or simulated; or
5. Excretory functions as part of, or in connection with, any of the activities set forth herein above.

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

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

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

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

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

“Surface mining” means all or any part of the process followed in the 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 bandwidth of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the township.

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

“Telecommunications tower” means any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in R.C. 519.211 (B)(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 Burton 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.

“Unlicensed wireless service” means the offering of telecommunications services using duly authorized devices that do

not require individual licenses, but does mean the provision of direct to home satellite services.

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

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

“Vehicle repair” means the repair, rebuilding, and reconditioning of vehicles, mobile homes 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, mobile home or farm implements.

“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 five hundred (500) square feet of floor area.

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

“Wind system device” means a device that converts wind energy into a usable form and includes a rotor and drive train; and all equipment necessary for machine operation.

“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 telecommunication 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 the side lot lines across the rear of the lot and from the rear lot line to the rear of a building or structure.

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

“Zoning certificate” means a permit issued by the township 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, or the Assistant 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.

END OF ARTICLE II

ARTICLE III

ZONING DISTRICTS AND OFFICIAL ZONING MAP

Section

300.0 Zoning Districts

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

1. RESIDENTIAL ZONES – which shall be designated as:
 - A. “R-5” districts -- low density – 5 acres
 - B. “R-3” districts -- medium density – 3 acres
2. COMMERCIAL, OFFICE, AND INDUSTRIAL ZONES – which shall be designated as:
 - A. C-O Commercial / Office Districts
 - B. I-O Industrial / Office Districts

300.1 Description of Zoning Districts

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

**Legal Description
For
R-5 Low Density Residential District**

Parcel 1

Situated in the Township of Burton, County of Geauga, State of Ohio and known as being the southern portion of Burton Township and being further bounded and described as follows:

Beginning at the southeasterly corner of Burton Township;

Thence along the southerly Township line of Burton Township the following courses:

South 89°21'32" West a distance of 4904.56 feet;
South 89°06'05" West a distance of 4674.07 feet;
South 88°56'28" West a distance of 2973.01 feet;
South 88°50'03" West a distance of 3569.74 feet;
South 89°03'10" West a distance of 1519.96 feet;
South 87°51'50" West a distance of 7312.33 feet;
To the southwesterly corner of Burton Township;

Thence along the westerly Township line of Burton Township the following courses:

North 01°41'30" West a distance of 1956.29 feet;
North 00°41'41" West a distance of 3785.00 feet;
To the centerline of Pond Road;

Thence along the centerline of Pond Road the following courses:

South 81°37'10" East a distance of 527.27 feet;
South 85°33'49" East a distance of 196.34 feet;
North 89°28'15" East a distance of 3186.89 feet;
South 67°14'21" East a distance of 930.19 feet;
North 62°37'24" East a distance of 820.94 feet;
North 89°04'15" East a distance of 2821.37 feet;
To the southwesterly corner of land now or formerly owned by the City of Akron by deed recorded in volume 182, page 100 and known as parcel no. 04-025600 of the Geauga County Records;

Thence North 88°45'05" East along the southerly line of land of said parcel no. 04-025600 a distance of 2350.13 feet to the southeasterly corner of land of said parcel no. 04-025600;

Thence northerly along the easterly lines of land of said parcel no. 04-025600 and the easterly lines of land now or formerly owned by the City of Akron by deed

recorded in volume 247, page 210 and known as parcel no. 04-020600 of the Geauga County Records the following courses:

North 07°43'05" East a distance of 585.50 feet;

North 11°42'01" East a distance of 742.40 feet;

North 12°28'48" East a distance of 4260.08 feet;

To a point on the southerly line of land now or formerly owned by the City of Akron by deed recorded in volume 187, page 212 and known as parcel no 04-026700 of the Geauga County Records;

Thence North 88°57'52" East along the southerly line of land of said parcel no. 04-026700 a distance of 526.28 feet to the southeasterly corner of said parcel no. 04-026700;

Thence North 00°20'28" East along the easterly line of land of said parcel no. 04-026700 a distance of 644.90 feet to the southwesterly corner of land now or formerly owned by the City of Akron by deed recorded in volume 187, page 212 and known as being parcel no. 04-150768 of the Geauga County Records;

Thence along the southerly lines of land of said parcel no. 04-150768 and the southerly line of land now or formerly owned by the City of Akron by deed recorded in volume 187, page 212 and known as parcel no. 04-150769 of the Geauga County records the following courses:

North 48°47'04" East a distance of 826.80 feet;

North 74°20'39" East a distance of 690.32 feet;

North 81°15'14" East a distance of 334.12 feet;

North 60°08'19" East a distance of 1061.15 feet;

To the southeasterly corner of said parcel no. 04-150769;

Thence North 00°51'08" West along the easterly line of land of said parcel no. 04-150769 a distance of 809.93 feet to the northeasterly corner of said parcel no. 04-150769, said corner also being the southeasterly corner of the Village of Burton and the southwesterly corner of land now or formerly owned by the City of Akron by deed recorded in volume 187, page 212 and known as parcel no. 04-150770 of the Geauga County Records;

Thence North 00°49'28" West a distance of 1016.42 feet to the northwesterly corner of said parcel No. 04-150770;

Thence easterly along the northerly line of parcel no. 04-150770 to the northeasterly corner of land of said parcel no. 04-150770, the same being a point on the centerline of Kinsman Road;

Thence southeasterly along said centerline of Kinsman Road to its intersection with the centerline of Gingerich Road;

Thence along the centerline of Gingerich Road and the westerly line of land now or formerly owned by Gingerich as recorded in volume 617, page 85 and known as being parcel no. 04-051400 of the Geauga County Records the following courses:

South 36°48'59" West a distance of 495.20 feet;

South 01°46'25" East a distance of 2261.83 feet;

To the southwesterly corner of land of said parcel no. 04-051400;

Thence along the southerly line of said parcel no. 04-051400 and the southerly lines of land now or formerly owned by Gingerich as recorded in volume 246, page 157 and known as parcel no. 04-051100, by Schaefer as recorded in volume 635, page 337 and known as parcel no. 04-145922, by Bonner as recorded in volume 1145, page 1298 and known as parcel no. 04-145200, by Mascio as recorded in volume 1003, page 1317 and known as parcel no. 04-080500, by Klingman as recorded in volume 773, page 1198 and known as parcel no. 04-150561 and by Berkshire properties as recorded in volume 778, page 1198 and known as parcel no. 04-150573 of the Geauga County Records:

North 88°28'24" East a distance of 3368.70 feet;

North 88°10'26" East a distance of 1561.29 feet;

North 71°26'21" East a distance of 63.03 feet;

North 88°54'22" East a distance of 572.85 feet;

North 89°58'57" East a distance of 819.75 feet;

North 88°34'45" East a distance of 1088.83 feet;

To the easterly Township line of Burton Township;

Thence along the easterly Township line of Burton Township the following courses:

South 01°15'30" East a distance of 2265.30 feet;

South 00°37'10" East a distance of 2775.29 feet;

South 00°36'23" East a distance of 2550.83 feet;

South 01°17'37" East a distance of 3399.37 feet;

To a point, the same being the place of beginning.

Parcel 2

Situated in the Township of Burton, County of Geauga, State of Ohio and known as being the northern portion of Burton Township and being further bounded and described as follows:

Beginning at the northeasterly corner of Burton Township;

Thence along the easterly Township Line of Burton Township the following courses:

South 01°19'07" East a distance of 912.55 feet;

South 01°19'49" East a distance of 516.89 feet;

South 01°19'42" East a distance of 355.91 feet;
South 01°19'10" East a distance of 868.61 feet;
South 01°18'59" East a distance of 124.85 feet;
To the southeasterly corner of land now or formerly owned by the City of Akron by deed recorded in volume 177, page 190 and known as parcel no. 04-707114 of the Geauga County Records;

Thence South 89°08'50" West along the southerly line of land of said parcel no. 04-707114 and its westerly projection a distance of 559.24 feet to the intersection of the northerly projection of the easterly line of land now or formerly owned by the City of Akron by deed recorded in volume 187, page 10 and known as parcel no. 04-707140;

Thence along the easterly line of land of said parcel no. 04-707140 and its northerly projection the following courses:
South 02°25'20" East a distance of 1332.30 feet;
South 01°19'39" East a distance of 278.19 feet;
To the centerline of Burton Windsor Road;

Thence South 85°09'52" West along the centerline of Burton Windsor Road a distance of 93.51 feet to the northeasterly corner of land now or formerly owned by Kaser by deed recorded volume 1250, page 771 and known as parcel no. 04-090600 of the Geauga County Records;

Thence South 00°27'03" East along the easterly line of land of said parcel no. 04-090600 a distance of 347.89 feet to the southeasterly corner of said parcel no. 04-090600, said corner also being a northwesterly corner of land now or formerly owned by the City of Akron by deed recorded in volume 187, page 377 and known as being parcel no. 04-027200 of the Geauga County Records;

Thence South 85°29'55" West along a northerly line of land of said parcel no. 04-027200 a distance of 195.10 feet to a northwesterly corner of land of said parcel no. 04-027200;

Thence along the westerly line of land of said parcel no. 04-027200 the following courses:
South 01°46'14" East a distance of 679.64 feet;
South 00°35'51" West a distance of 763.92 feet;
To the westerly projection of the northerly line of land now or formerly owned by the City of Akron by Deed recorded in volume 186, page 314 and known as being parcel no. 04-707137 of the Geauga County Records;

Thence North 88°23'52" East along the northerly line of land of said parcel no. 04-707137 and its westerly projection a distance of 858.30 feet to the easterly Township line of Burton Township;

Thence along the easterly Township line of Burton Township the following courses:

South 01°42'27" East a distance of 243.30 feet;
South 01°34'45" East a distance of 1823.38 feet;
South 00°57'04" East a distance of 1084.46 feet;
South 00°56'06" East a distance of 689.34 feet;
South 00°57'39" East a distance of 596.33 feet;
South 00°55'04" East a distance of 343.36 feet;

To the southeasterly corner of land now or formerly owned by the City of Akron by deed recorded in volume 509, page 1025 and known as parcel no. 04-707112 of the Geauga County Records.

Thence along the southerly lines of land of said parcel no. 04-707112 and of land now or formerly owned by the City of Akron by deed recorded in deed volume 509, page 1025 and known as being parcel no. 04-707128, by the City of Akron by deed recorded in volume 187, page 213 and known as parcel no. 04-150772, by the City of Akron by deed recorded in volume 187, page 266 and known as parcel no. 04-707138 and its westerly extension, by the Hanna MA Company known as parcel no. 04-040200 and its westerly extension and by Hess known as parcel no. 04-067400 and its westerly projection:

South 88°38'48" West a distance of 2495.45 feet;
South 88°42'02" West a distance of 2527.15 feet;
South 88°44'17" West a distance of 1435.85 feet;
South 88°39'56" West a distance of 995.77 feet;
South 89°17'13" West a distance of 110.51 feet;
South 89°16'33" West a distance of 1794.89 feet;
South 89°05'23" West a distance of 567.64 feet;
To the easterly Village line of Burton Village;

Thence along the easterly Village line of Burton Village the following courses:

North 01°53'05" West a distance of 2118.54 feet;
North 01°54'49" West a distance of 157.21 feet;
North 02°00'58" West a distance of 454.78 feet;
To the northeasterly corner of Burton Village;

Thence along the northerly Village line of Burton Village the following courses:

South 89°24'36" West a distance of 418.77 feet;
South 89°24'23" West a distance of 1411.83 feet;
South 89°54'51" West a distance of 668.25 feet;
To the centerline of Claridon Troy Road;

Thence along the centerline of Claridon Troy Road the following courses:

North 00°40'02" West a distance of 1352.34 feet;
North 00°40'04" West a distance of 1345.29 feet;

To the southeasterly corner of land now or formerly owned by Ronyak by deed recorded in volume 898, page 1238 and known as parcel no. 04-150651 of the Geauga County Records;

Thence South $89^{\circ}20'28''$ West along the southerly line of land of said parcel no. 04-150651 a distance of 1267.34 feet to the southwesterly corner of land of said parcel no. 04-150651;

Thence North $00^{\circ}12'36''$ West along the westerly line of land of said parcel no. 04-150651 a distance of 88.41 feet to a southeasterly corner of land now or formerly owned by Ronyak by deed recorded in volume 1100, page 164 and known as being parcel no. 04-014400 of the Geauga County Records;

Thence South $89^{\circ}26'31''$ West along a southerly line of land of said parcel no. 04-014400 a distance of 149.96 feet to the southeasterly corner of land now or formerly owned by Rubble by deed recorded in volume 793, page 1184 and known as parcel no. 04-150589 of the Geauga County Records;

Thence South $72^{\circ}16'57''$ West along the southerly line of land of said parcel no. 04-150589 a distance of 684.22 feet to the centerline of Fisher Road;

Thence North $46^{\circ}00'29''$ West along the centerline of Fisher Road a distance of 620.31 feet to the northeasterly corner of land now or formerly owned by Luxenberg by deed recorded in volume 1059, page 1 and known as parcel no. 04-125900 of the Geauga County Records;

Thence along the easterly lines of land of said parcel no. 04-125900 the following courses:

South $01^{\circ}58'43''$ West a distance of 40.65 feet;

South $00^{\circ}15'01''$ East a distance of 1620.00 feet;

South $00^{\circ}22'29''$ East a distance of 1387.79 feet to the northwesterly boundary of Burton Village and its westerly projection;

To the southeasterly corner of land of said parcel no. 04-125900 the same being the northwesterly corner of parcel no. 04-067853;

Thence along the southerly lines of land of said parcel no. 04-125900 the following courses:

South $88^{\circ}17'11''$ West a distance of 1772.29 feet;

South $88^{\circ}59'04''$ West a distance of 659.35 feet;

To the northeasterly corner of land now or formerly owned by Steen by deed recorded in volume 722, page 321 and known as being parcel no. 04-149300;

Thence along the easterly lines of land of said parcel no. 04-149300 the following courses:

South $00^{\circ}09'47''$ West a distance of 1845.82 feet;

South $00^{\circ}43'30''$ East a distance of 889.20 feet;

To the centerline of Kinsman Road (S.R. 87);

Thence along the centerline of Kinsman Road (S.R. 87) the following courses:

South 89°04'24" West a distance of 1874.50 feet;
South 89°04'11" West a distance of 242.53 feet;
South 89°04'27" West a distance of 785.10 feet;
South 89°04'29" West a distance of 603.83 feet;
South 89°04'16" West a distance of 458.81 feet;
South 89°01'09" West a distance of 514.83 feet;
South 88°50'13" West a distance of 323.32 feet;
South 88°50'49" West a distance of 649.13 feet;
South 88°13'26" West a distance of 677.58 feet;
South 88°13'12" West a distance of 179.09 feet;
South 89°03'08" West a distance of 166.27 feet;
South 89°53'26" West a distance of 457.50 feet;
North 89°27'08" West a distance of 130.76 feet;
North 88°48'15" West a distance of 362.33 feet;
To the westerly Township line of Burton Township;

Thence North 00°58'05" West along the westerly Township line of Burton Township a distance of 5365.80 feet to the southwesterly corner of land now or formerly owned by Martorana by deed recorded in volume 1149, page 213 and known as being parcel no. 04-005400 of the Geauga County Records;

Thence North 88°35'29" East along the southerly line of land of said parcel no. 04-005400 a distance of 949.18 feet to the southeasterly corner of land of said parcel no. 04-005400;

Thence South 86°22'56" East by a line a distance of 975.65 feet to a northwesterly corner of land now or formerly owned by Cirjak and known as being parcel no. 04-150742 of the Geauga County Records;

Thence South 15°47'07" West along the westerly line of land of said parcel no. 04-150742 a distance of 417.41 feet to a southwesterly corner of land of said parcel no. 04-150742;

Thence along the southerly lines of said parcel no. 04-150742 the following courses:

South 62°15'10" East a distance of 212.17 feet;
South 47°06'35" East a distance of 596.05 feet;
To the southeasterly corner of land of said parcel no. 04-150742;

Thence South 00°25'11" West by a line a distance of 826.99 feet;

Thence South 81°30'37" East by a line a distance of 104.22 feet to a point on the westerly line of land now or formerly owned by the City of Akron by deed

recorded in volume 187, page 381 and known as parcel no. 04-707139 of the Geauga County Records;

Thence North 05°44'06" East along the westerly line of land of said parcel no. 04-707139 a distance of 517.56 feet to the northwesterly corner of parcel no. 04-707139;

Thence North 89°04'46" East along the northerly line of land of said parcel no. 04-707139 a distance of 137.18 feet to southwesterly corner of land now or formerly owned by Osmond by deed recorded in volume 904, page 24 and known as parcel no. 04-106400 of the Geauga County Records;

Thence along the westerly lines of land of said parcel no. 04-106400 the following courses:

North 34°42'53" East a distance of 46.53 feet;
North 49°14'56" East a distance of 142.56 feet;
North 41°58'19" East a distance of 52.71 feet;
North 44°31'45" East a distance of 193.58 feet;
North 37°49'55" East a distance of 167.52 feet;
North 40°05'51" East a distance of 174.28 feet;
North 37°12'59" East a distance of 198.40 feet;
North 36°11'18" East a distance of 85.11 feet;
To a northwesterly corner of land of said parcel no. 04-106400;

Thence North 86°58'57" East along the northerly line of land of said parcel no. 04-106400 a distance of 684.59 feet to the centerline of Aquilla Road;

Thence along the centerline of Aquilla Road the following courses:

North 24°54'13" East a distance of 1274.33 feet;
North 49°48'02" West a distance of 954.76 feet;
North 66°24'29" West a distance of 635.90 feet;
North 67°51'43" West a distance of 955.98 feet;
North 00°07'19" West a distance of 821.56 feet;
North 00°26'35" West a distance of 1422.42 feet;
North 00°23'35" West a distance of 437.26 feet;
North 00°25'08" West a distance of 854.84 feet;
North 03°28'09" East a distance of 61.11 feet;
To the northerly Township line of Burton Township;

Thence along the northerly Township line of Burton Township the following courses:

North 88°41'42" East a distance of 5453.47 feet;
North 88°44'49" East a distance of 4495.83 feet;
North 88°39'13" East a distance of 2484.44 feet;
North 88°37'59" East a distance of 497.66 feet;

North 88°37'59" East a distance of 4482.70 feet;
North 88°40'25" East a distance of 2999.80 feet;
North 88°40'30" East a distance of 1000.02 feet;
North 88°40'29" East a distance of 907.99 feet;
To a point, the same being the place of beginning.

Excepting the lands now or formerly owned by Robert K. and Sandra Sturm as conveyed by deed recorded in Volume 1199 Page 0812 and know as Parcel No. 04-038200 of the Geauga County Records.

**Legal Description
For
R-3 Medium Density Residential District**

Parcel 1

Situated in the Township of Burton, County of Geauga, State of Ohio and known as being in the northwesterly corner of said Township and being further bounded and described as follows:

Beginning at the northwesterly corner of Burton Township;

Thence North 87°53'05" East along the northerly Township line of Burton Township a distance of 2512.66 feet to the Centerline of Aquilla Road;

Thence along the centerline of Aquilla Road the following courses:

South 03°28'09" West a distance of 61.11 feet;
South 00°25'08" East a distance of 854.84 feet;
South 00°23'35" East a distance of 437.26 feet;
South 00°26'35" East a distance of 1422.42 feet;
South 00°07'19" East a distance of 821.56 feet;
South 67°51'43" East a distance of 955.98 feet;
South 66°24'29" East a distance of 635.90 feet;
South 49°48'02" East a distance of 954.76 feet;
South 24°54'13" West a distance of 1274.33 feet;

To the northeasterly corner of land now or formerly owned by Osmond by deed recorded in volume 904, page 24 and known as parcel no. 04-106400 of the Geauga County Records;

Thence South 86°58'57" West along the northerly line of land of said parcel no. 04-106400 a distance of 684.59 feet to the northwesterly corner of land of said parcel no. 04-106400;

Thence along the westerly lines of land of said parcel no. 04-106400 the following courses:

South 36°11'18" West a distance of 85.11 feet;
South 37°12'59" West a distance of 198.40 feet;
South 40°05'51" West a distance of 174.28 feet;
South 37°49'55" West a distance of 167.52 feet;
South 44°31'45" West a distance of 193.58 feet;
South 41°58'19" West a distance of 52.71 feet;
South 49°14'56" West a distance of 142.56 feet;
South 34°42'53" West a distance of 46.53 feet;

To the southwesterly corner of land of said parcel no. 04-106400, said corner also being on the northerly line of land now or formerly owned by the City of

Akron by deed recorded in volume 187, page 381 and known as being parcel no. 04-707139;

Thence South 89°04'46" West along the northerly line of land of said parcel no. 04-707139 a distance of 137.18 feet to a northwesterly corner of land of said parcel no. 04-707139;

Thence South 05°44'06" West along a westerly line of said parcel no. 04-707139 a distance of 517.56 feet;

Thence North 81°30'37" West by a line a distance of 104.22 feet;

Thence North 00°25'11" East by a line a distance of 826.99 feet to a southeasterly corner of land now or formerly owned by Cirjak and known as parcel no. 04-150742;

Thence along the westerly lines of land of said parcel no. 04-150742 the following courses:

North 47°06'35" West a distance of 596.05 feet;

North 62°15'10" West a distance of 212.17 feet;

North 15°47'07" East a distance of 417.41 feet;

To a northwesterly corner of land of said parcel no. 04-150742;

Thence North 86°22'56" West by a line a distance of 975.65 feet to a southeasterly corner of land now or formerly owned by Martorana by deed recorded in volume 1149, page 213 and known as parcel no. 04-005400;

Thence South 88°35'29" West along the southerly line of land of said parcel no. 04-005400 a distance of 949.18 feet to the westerly Township line of Burton Township;

Thence along the westerly Township line of Burton Township the following courses:

North 00°58'06" West a distance of 2797.73 feet;

North 00°58'06" West a distance of 854.86 feet;

North 00°58'06" West a distance of 983.42 feet;

North 01°15'10" West a distance of 823.26 feet,

To a point, the same being the place of beginning.

Parcel 2

Situated in the Township of Burton, County of Geauga, State of Ohio and known as being in the northern central area of said Burton Township and being further bounded and described as follows:

Beginning at the northwesterly corner of the Village of Burton, said corner also being a point on the easterly line of land conveyed to Lana Olsson, Trustee in volume 1760 page 1236 and known as being parcel no. 04-150980 of the Geauga County Records;

Thence along the easterly lines of land of said Olsson parcel no. 04-150980 and the easterly line of land now or formerly owned by Luxenberg by deed recorded in volume 1059, page 1 and known as being parcel no. 04-125900 of the Geauga County Records the following courses:

North 00°22'29" West a distance of 1387.79 feet;

North 00°15'01" West a distance of 1620.00 feet;

North 01°58'43" East a distance of 40.65 feet;

To the centerline of Fisher Road;

Thence South 46°00'29" East along the centerline of Fisher Road a distance of 620.31 feet to a southwesterly corner of land now or formerly owned by Rubble by deed recorded in volume 793, page 1184 and known as being parcel no. 04-150589 of the Geauga County Records;

Thence North 72°16'57" East along the southerly line of said parcel no. 04-150589 a distance of 684.22 feet to a southwesterly corner of land now or formerly owned by Ronyak by Deed recorded in volume 1100, page 164 and known as being parcel no. 04-014400 of the Geauga County Records;

Thence North 89°26'31" East along the southerly line of said parcel no. 04-014400 a distance of 149.96 feet to a northwesterly corner of land now or formerly owned by Ronyak by deed recorded in volume 898, page 1238 and known as parcel no. 04-150651;

Thence South 00°12'36" East along a westerly line of land of said parcel no. 04-150651 a distance of 88.41 feet to a southwesterly corner of land of said parcel no. 04-150651;

Thence North 89°20'28" East along the southerly line of land of said parcel no. 04-150651 a distance of 1267.34 feet to the centerline of Claridon Troy Road;

Thence along the centerline of Claridon Troy Road the following courses:

South 00°40'04" East a distance of 1345.29 feet;

South 00°40'02" East a distance of 1352.34 feet;

To the northerly Village line of Burton Village;

Thence along the northerly Village line of Burton Village the following courses

South 88°08'22" West a distance of 61.79 feet;

South 88°28'08" West a distance of 209.81 feet;

South 88°38'51" West a distance of 1221.35 feet;

South 88°55'32" West a distance of 1039.93 feet;

To the place of beginning.

Parcel 3

Situated in the Township of Burton, County of Geauga, State of Ohio and known as being the westerly central area of Burton Township and being further bounded and described as follows:

Beginning at the intersection of the westerly Township line of Burton Township with the centerline of Kinsman Road (S.R. 87);

Thence along the centerline of Kinsman Road (S.R. 87) the following courses:

South 88°48'15" East a distance of 362.33 feet;
South 89°27'08" East a distance of 130.76 feet;
North 89°53'26" East a distance of 457.50 feet;
North 89°03'08" East a distance of 166.27 feet;
North 88°13'12" East a distance of 179.09 feet;
North 88°13'26" East a distance of 677.58 feet;
North 88°50'49" East a distance of 649.13 feet;
North 88°50'13" East a distance of 323.32 feet;
North 88°50'20" East a distance of 55.51 feet;
North 88°52'36" East a distance of 25.50 feet;
North 88°54'39" East a distance of 65.76 feet;
North 89°04'32" East a distance of 368.05 feet;
North 89°04'16" East a distance of 458.81 feet;
North 89°02'58" East a distance of 56.51 feet;
North 89°04'39" East a distance of 547.32 feet;
North 89°04'27" East a distance of 785.10 feet;
North 89°04'11" East a distance of 242.53 feet;
North 89°04'24" East a distance of 1874.50 feet;

To the southeasterly corner of land now or formerly owned by Steen by deed recorded in volume 722, page 321 and known as parcel no. 04-149300 of the Geauga County Records;

Thence along the easterly lines of land of said parcel no. 04-149300 the following courses:

North 00°43'30" West a distance of 889.20 feet;
North 00°09'47" East a distance of 1845.82 feet;

To the southwesterly corner of land now or formerly owned by Luxenberg by deed recorded in volume 1059, page 1 and known as parcel no. 04-125900 of the Geauga County Records;

Thence along the southerly lines of land of said parcel no. 04-125900 the following courses:

North 88°59'04" East a distance of 659.35 feet;
North 88°17'11" East a distance of 1772.29 feet;

To the Northwesterly corner of the Village of Burton;

Thence along the westerly Village lines of the Village of Burton the following courses:

South 00°40'56" East a distance of 1246.75 feet;

South 00°15'32" East a distance of 532.28 feet;

South 00°00'09" West a distance of 979.53 feet;

South 88°50'01" West a distance of 388.29 feet;

South 00°16'01" East a distance of 1072.70 feet;

South 89°19'47" West a distance of 379.28 feet;

South 02°59'52" West a distance of 717.04 feet;

South 52°35'32" East a distance of 362.25 feet;

South 89°58'26" East a distance of 547.00 feet;

South 01°03'10" East a distance of 693.93 feet;

To the southwesterly corner of the Village of Burton;

Thence along the southerly Village lines of the Village of Burton the following courses:

South 87°42'51" East a distance of 29.77 feet;

North 89°40'02" East a distance of 1248.27 feet;

North 88°42'22" East a distance of 1294.08 feet;

North 88°13'32" East a distance of 465.22 feet;

North 87°55'47" East a distance of 370.24 feet;

South 89°07'55" East a distance of 41.25 feet;

North 89°00'20" East a distance of 1649.50 feet;

To the southeasterly corner of the Village of Burton, said corner also being a northeasterly corner of land now or formerly owned by the City of Akron by deed recorded in volume 187, page 21 and known as being parcel no. 04-150769 of the Geauga County Records;

Thence South 00°51'08" E along the easterly line of land of said parcel no. 04-150769 a distance of 809.93 feet to the southeasterly corner of said parcel no. 04-150769;

Thence along the southerly lines of land of said parcel no. 04-150769 and the southerly lines of land now or formerly owned by the City of Akron by deed recorded in volume 187, page 212 and known as parcel no. 04-150768 the following courses:

South 60°18'32" West a distance of 890.55 feet;

South 57°23'34" West a distance of 85.51 feet;

South 61°06'48" West a distance of 85.20 feet;

South 81°15'14" West a distance of 334.12 feet;

South 74°20'39" West a distance of 690.32 feet;

South 48°47'04" West a distance of 826.80 feet;

To the southwesterly corner of land of said parcel no. 04-150768, said corner also being on an easterly line of land now or formerly owned by the City of Akron

by deed recorded in volume 187, page 212 and known as parcel no. 04-126700 of the Geauga County Records;

Thence South $00^{\circ}20'28''$ West along the easterly line of land of said parcel no. 04-026700 a distance of 644.90 feet to the southeasterly corner of said parcel no. 04-026700;

Thence South $88^{\circ}57'52''$ West along the southerly line of said parcel no. 04-026700 a distance of 526.28 feet to the northeasterly corner of land now or formerly owned by the City of Akron by deed recorded in volume 247, page 210 and known as being parcel no. 04-020600 of the Geauga County Records;

Thence along the easterly line of said parcel no. 04-020600 and the easterly line of land now or formerly owned by the City of Akron by deed recorded in volume 182, page 100 and known as being parcel no. 04-025600 of the Geauga County Records:

South $12^{\circ}28'48''$ West a distance of 4260.08 feet;

South $11^{\circ}42'01''$ West a distance of 742.40 feet;

South $07^{\circ}43'05''$ West a distance of 585.50 feet;

To the southeasterly corner of said parcel no. 04-025600;

Thence South $88^{\circ}45'05''$ West along the southerly line of land of said parcel no. 04-025600 a distance of 2350.13 feet to the southwesterly corner of land of said parcel no. 04-025600;

Thence along the centerline of Pond Road the following courses:

South $89^{\circ}04'15''$ West a distance of 2821.37 feet;

South $62^{\circ}37'24''$ West a distance of 820.94 feet;

North $67^{\circ}14'21''$ West a distance of 930.19 feet;

South $89^{\circ}28'15''$ West a distance of 3186.89 feet;

North $85^{\circ}33'49''$ West a distance of 196.34 feet;

North $81^{\circ}37'10''$ West a distance of 527.27 feet;

To the westerly Township line of Burton Township;

Thence along the westerly Township line of Burton Township the following courses:

North $00^{\circ}41'41''$ West a distance of 1700.09 feet;

North $00^{\circ}49'01''$ West a distance of 932.11 feet;

North $00^{\circ}49'27''$ West a distance of 2673.26 feet;

North $00^{\circ}41'46''$ West a distance of 1522.92 feet;

North $00^{\circ}45'35''$ West a distance of 1263.30 feet;

North $00^{\circ}47'38''$ West a distance of 1064.60 feet;

North $00^{\circ}48'07''$ West a distance of 821.64 feet;

North $00^{\circ}47'03''$ West a distance of 785.14 feet;

To the place of beginning.

Excepting all of the lands now or formerly owned by the Geauga County Board of Commissioners known as Parcel Nos. 04-704500 and 04-707192, and,

Further excepting the following lands:

Beginning at a point on the centerline of Kinsman Road, and following the easterly extension of the southeast corner of lands conveyed to Richard S. and Mary D. Lambert by deed recorded in Volume 1808 Page 1304 and known as Parcel No. 04-151003 of the Geauga County Records;

Thence north along the easterly line of said Lambert property to the northwest corner of lands conveyed to Preston Real Estate Holding Company by deed recorded in Volume 1497 Page 0798 and known as Parcel No. 04-150807 of the Geauga County Records;

Thence east along the northerly line of said Preston Parcel No. 04-150807 and the northerly line of lands conveyed to Preston Real Estate Holding Company by deed recorded in Volume 1497 Page 0798 and known as Parcel No. 04-150747 of the Geauga County Records to the northeast corner of said Preston Parcel No. 04-150747 and the westerly boundary of Burton Village;

Thence south along the westerly boundary of Burton Village to a point on the centerline of Kinsman Road, the same being the intersection of the westerly boundary of Burton Village and said centerline of Kinsman Road;

Thence west along the centerline of Kinsman Road to a point on said centerline and the principal place of beginning.

**Legal Description
For
C-O Commercial Office District**

Parcel 1

Situated in the Township of Burton, County of Geauga, State of Ohio and being further bounded and described as follows:

All of the lands now or formerly owned by the Geauga County Board of Commissioners and known as Parcel Nos. 04-704500 and 04-707192.

Parcel 2

Beginning at a point on the centerline of Kinsman Road, the same being the southwest corner of lands conveyed to Preston Real Estate Holdings Company by deed recorded in Volume 1870 Page 2629 and known as Parcel No. 04-151023 of the Geauga County Records;

Thence north along the westerly line of said Preston property to the northwest corner of said lands;

Thence east along the northerly line of said Preston Parcel 04-151023 and lands conveyed to Preston Real Estate Holding Company by deed recorded in Volume 1497 Page 0798 and known as Parcel No. 04-150807 of the Geauga County Records and the northerly line of lands conveyed to Preston Real Estate Holding Company by deed recorded in Volume 1497 Page 0798 and known as Parcel No. 04-150747 of the Geauga County Records to the northeast corner of said Preston Parcel No. 04-150747 and the westerly boundary of Burton Village;

Thence south along the westerly boundary of Burton Village to a point on the centerline of Kinsman Road, the same being the intersection of the westerly boundary of Burton Village and said centerline of Kinsman Road;

Thence west along the centerline of Kinsman Road to a point on said centerline and the principal place of beginning.

Parcel 3

Beginning at a point on the centerline of Station Road, the same being the intersection of the centerline Station Road and the centerline of Burton Windsor Road, and a point on the easterly boundary line of Burton Township;

Thence south along the easterly boundary line of Burton Township to a point the same being the northeast corner of lands conveyed to the City of Akron by deed recorded in Volume 0186 Page 0314 and known as Parcel No. 04-707137 of the Geauga County Records;

Thence west along the northerly line of said Akron Parcel 04-707137 and the westerly extension of said northerly property line to a point, the same being a point on the westerly line of lands conveyed to the City of Akron by deed recorded in Volume 0187 Page 0377 and known as Parcel No. 04-027200 of the Geauga County Records;

Thence north along the westerly line of said Akron Parcel No. 04-027200 to the southwest corner of lands conveyed to David R. Mullett Jr. and Barbara Rakes by deed recorded in Volume 1246 Page 0181 and known as Parcel No. 04-101100 of the Geauga County Records;

Thence east along the southerly line of said Mullett and Rakes property and of lands conveyed to Robert W. Kaser by deed recorded in Volume 1729 Page 1609 and known as Parcel No. 04-090600 of the Geauga County Records to the southeast corner of said Kaser property;

Thence north along the easterly line of said Kaser property to a point the same being on the centerline of Burton Windsor Road;

Thence east along said centerline of Burton Windsor Road to a point, the same being the principal place of beginning;

Excluding land conveyed to Middlefield Village by deed recorded in Volume 0035 Page 0112 and known as Parcel No. 19-706184.

Parcel 4

Beginning at the intersection of the centerline of Kinsman Road and the easterly boundary line of Burton Village;

Thence northerly along the easterly boundary line of Burton Village to a point the same being the northwest corner of land conveyed to Christopher and Linda Herald in Volume 1418 Page 0174 and known as Parcel No. 04-067500 of the Geauga County Records;

Thence easterly along the northerly lines of said Herald property, land conveyed to Christopher and Linda Herald in Volume 1833 Page 680 and known as Parcel No. 04-067600, and land conveyed to Daniel and Barbara Kaufmann by deed recorded in Volume 0460 Page 0860, and known as Parcel No. 04-079900 to the northeast corner of said Kaufmann property;

Thence southwesterly along the easterly line of said Kaufmann property to its intersection with the centerline of Kinsman Road;

Thence easterly along the centerline of Kinsman Road to a point on said centerline, the same being the westerly line of land conveyed to Thomas F. Blair, Sr. by deed recorded in Volume 1027 Page 0617, and known as Parcel No. 04-150746;

Thence southwesterly and southerly along the western property line of said Blair property to the southwest corner of said Blair property, the same being a point on the northerly property line of land conveyed to The Clark Family Limited Partnership by deed recorded in Volume 1220 Page 0566 and known as Parcel No. 04-079050 of the Geauga County Land Records;

Thence westerly along the northerly line of said Clark Family property to the northwest corner of said Clark Family property;

Thence southerly along the westerly line of said Clark Family property and the westerly line of land conveyed to Hall Property Enterprise, LLC by deed recorded in Volume 1291 Page 0263 and known as Parcel No. 04-062750, to the southwest corner of said Hall property;

Thence easterly and northeasterly along the southerly line of said Hall property to the northeast corner of said Hall property, the same being a point on the centerline of Kinsman Road;

Thence easterly along the centerline of Kinsman Road to a point on said centerline, the same being the easterly extension of the southerly line of land conveyed to Edward W. Smith, Trustee by deed recorded in Volume 1462 Page 0486, and known as Parcel No. 04-081410;

Thence westerly along the southerly lines of said Smith property, land conveyed to Hall Property Enterprise LLC by deed recorded in Volume 1291 Page 0263, and known as Parcel No. 04-081411, and land conveyed to Rex and Barbara Roberts by deed recorded in Volume 1244 Page 0900, and known as Parcel No. 04-150871 to the southwest corner of said Roberts property, which is a point on the easterly boundary line of Burton Village;

Thence northerly along said easterly boundary line of Burton Village to the intersection of the centerline of Kinsman Road and said easterly boundary line of Burton Village, the same being the principal place of beginning.

Parcel 5

Beginning at a point on the centerline of Kinsman Road the same being the northwest corner of land conveyed to BAA Land Management, LLC by deed recorded in Volume 1124 Page 0499, and known as Parcel No. 04-059400 of the Geauga County Records;

Thence southerly along the westerly line of said BAA Land Management, LLC land to the northeast corner of land conveyed to Berkshire Properties by deed recorded in Volume 0778 Page 1081, and known as Parcel No. 04-150633;

Thence westerly along the northerly line of said Berkshire Properties parcel to a point on the centerline of Berkshire Industrial Parkway;

Thence southerly along said centerline approximately 30 feet to a point;

Thence westerly along the northerly extension of land conveyed to Geauga County Board of Commissioners by deed recorded in Volume 0040 Page 0272, and known as Parcel No. 04-707125 to the northwest corner of said Board of Commissioners property;

Thence southerly along the westerly line of said Board of Commissioners property to the northeast corner of land conveyed to JD Properties Inc. by deed recorded in Volume 1291 Page 0804, and known as Parcel No. 04-150578;

Thence westerly along the northerly line of said JD Properties parcel and its westerly extension to a point on the centerline of White Road;

Thence southerly along the centerline of White Road approximately 45 feet to a point on said centerline;

Thence westerly along the northerly line of land conveyed to Michael and Barbara Throckmorton by deed recorded in Volume 1521 Page 0107, and known as Parcel No. 04-143950 to the northwest corner of said parcel;

Thence southerly along the westerly line of said Throckmorton property to a point on said line the same being 600 feet distant from the centerline of Kinsman Road;

Thence westerly parallel with and 600 feet distant from the centerline of Kinsman Road to a point on the westerly line of land conveyed to Timothy Lee Schaefer by deed recorded in Volume 0635 Page 0337 and known as Parcel No. 04-145922;

Thence southerly along the westerly line of said Schaefer property to a point on said westerly line the same being the northeast corner of land conveyed to

Simon and Clara Gingerich by deed recorded in Volume 0246 Page 1100, and known as Parcel No. 04-051100;

Thence westerly along the northerly line of said Gingerich Parcel No. 04-051100 to the northwest corner and a point on the easterly line of land conveyed to Carter Jones Lumber Co. by deed recorded in Volume 0930 Page 0019, and known Parcel No. 04-076400;

Thence southerly along the easterly line of said Carter Jones Lumber Co. lands to the southeast corner of said property;

Thence westerly along the southerly line of Carter Jones Lumber Co. Parcel No. 04-076400 to the southwest corner of said property;

Thence northerly along the westerly line of said Carter Jones Lumber Co. lands to a point on said westerly line the same being a point on the northerly line of land conveyed to Simon and Clara Gingerich by deed recorded in Volume 0617 Page 0085, and known as Parcel No. 04-051400;

Thence westerly along the northerly lines said Gingerich Parcel No. 04-051400 to the southeast corner of land conveyed to Simon and Clara Gingerich by deed recorded in Volume 0617 Page 0309, and known as Parcel No. 04-051500;

Thence northerly along the easterly line of said Parcel 04-051500 to the northeast corner of said parcel;

Thence southwesterly along the northerly line of Parcel 04-051500 to a point on the centerline of Gingerich Road;

Thence northerly along the centerline of Gingerich Road to its intersection with the centerline of Kinsman Road;

Thence easterly along the centerline of Kinsman Road to a point on said centerline the same being the northwest corner of said BAA Land Management, LLC lands and the principal place of beginning.

Parcel 6

Beginning at a point on the centerline of Kinsman Road, the same being the southwest corner of land conveyed to Standpoint Inc by deed recorded in Volume 1813 Page 3151, and known as Parcel No. 04-007210;

Thence northerly along the westerly line of said Standpoint property and land conveyed to Phyllis and Francis Parco and Patricia Pivovar by deed recorded in

Volume 1827 Page 0726, and known as Parcel No. 04-089700 to the northwest corner of said Parco and Pivovar lands;

Thence easterly along the northerly line of said Parco and Pivovar property to its northeast corner;

Thence southerly along the easterly line of Parco and Pivovar to the northwest corner of land conveyed to David and Cynthia Barnes by deed recorded in Volume 0867 Page 0357, and known as Parcel No. 04-079690;

Thence easterly along the northerly line of said Barnes property to the northeast corner of said lands;

Thence southerly along the easterly line of said Barnes property to the centerline of Kinsman Road;

Thence westerly along the centerline of Kinsman Road to a point on said centerline the same being the southwest corner of said Standpoint Inc lands and the principal place of beginning.

Parcel 7

Beginning at the northeast corner of land conveyed to Maria and Pietro Scalzo in Volume 1833 Page 680 and known as Parcel No. 04-141380 of the Geauga County Records;

Thence southerly along the easterly line of said Scalzo property to a point on the centerline of Kinsman Road;

Thence westerly along the centerline of Kinsman Road to a point, the same being the southwest corner of land conveyed to City of Akron in Volume 0182 Page 0046 and known as Parcel No. 04-025400;

Thence northerly along the westerly line said City of Akron parcel and continuing northerly across land conveyed to BF Acquisition LLC in Volume 1317 Page 0734 and known as Parcel No. 04-147300 to the southwest corner of land conveyed to Excel Polymers LLC in Volume 1738 Page 2474 and known as Parcel No. 04-040500;

Thence continuing northerly along the westerly lines of said Excel Polymers property, land conveyed to City of Akron in Volume 0513 Page 0093 and known as Parcel No. 04-707131, and land conveyed to City of Akron in Volume 0186 Page 0034 and known as Parcel No. 04-707135 to the northwest corner of said City of Akron Parcel No. 04-707135;

Thence easterly along the northerly lines of Parcel No. 04-707135, land conveyed to City of Akron in Volume 0509 Page 1025 and known as Parcel No. 04-707132, land conveyed to City of Akron in Volume 0509 Page 1025 and known as Parcel No. 04-707130, and land conveyed to Maria and Pietro Scalzo in Volume 1833 Page 680 and known as Parcel No. 04-141380 to the northeast corner of said Scalzo property the same being the principal place of beginning.

**Legal Description
For
I-O Industrial Office District**

Parcel 1

Beginning at the southeast corner of lands conveyed to Cornerstone Bible Church by deed recorded in Volume 1773 Page 2236 and known as Parcel No. 04-150573 of the Geauga County Records;

Thence westerly along the southerly lines of said Cornerstone Bible Church property and the southerly lines of land conveyed to Douglas and Tanya Klingman by deed recorded in Volume 1695 Page 0220, and known as Parcel No. 04-150561, land conveyed to Kenneth R. Ashba III by deed recorded in Volume 1779 Page 2779, and known as Parcel No. 04-080500, land conveyed to Bonner Ohio Properties LTD by deed recorded in Volume 1353 Page 0700, and known as Parcel No. 04-145200, lands conveyed to Timothy Lee Schaefer by deed recorded in Volume 0635 Page 0337 and known as Parcel No. 04-145922, land conveyed to Simon and Clara Gingerich by deed recorded in Volume 0246 Page 1100, and known as Parcel No. 04-051100, and land conveyed to Simon and Clara Gingerich by deed recorded in Volume 0617 Page 0085, and known as Parcel No. 04-051400 to the southwest corner of said Parcel 04-051400;

Thence northerly along the westerly lines of Parcel 04-051400 and of land conveyed to Simon and Clara Gingerich by deed recorded in Volume 0617 Page 0309, and known as Parcel No. 04-051500 to the northwest corner of Parcel 04-051500;

Thence northeasterly along the northerly line of Parcel 04-051500 to the northeast corner of said parcel;

Thence southerly along the easterly line of Parcel 04-051500 to the southeast corner, the same being the southwest corner of land conveyed to the City of Akron by deed recorded in Volume 0187 Page 0213, and known as Parcel No. 04-150771;

Thence easterly along the southerly line of said City of Akron Parcel No. 04-150771 to the southeast corner of said Parcel No. 04-150771 the same being a point on the westerly line of land conveyed to Carter Jones Lumber Co. by deed recorded in Volume 0930 Page 0019, and known Parcel No. 04-076400;

Thence southerly along the westerly line of said Carter Jones Lumber Co. lands to the southwest corner of said property;

Thence easterly along the southerly line of Carter Jones Lumber Co. Parcel No. 04-076400 to the southeast corner of said property;

Thence northerly along the easterly line of said Carter Jones Lumber Co. lands to a point on said easterly line and the northwest corner of land conveyed to Simon and Clara Gingerich by deed recorded in Volume 0246 Page 1100, and known as Parcel No. 04-051100;

Thence easterly along the northerly line of said Gingerich Parcel No. 04-051100 to the northeast corner and a point on the westerly line of lands conveyed to Timothy Lee Schaefer by deed recorded in Volume 0635 Page 0337 and known as Parcel No. 04-145922;

Thence northerly along the westerly line of Schaefer to a point on said westerly line 600 feet distant from the centerline of Kinsman Road;

Thence easterly parallel to and 600 feet distant from the centerline of Kinsman Road to a point on the westerly line of land conveyed to Michael and Barbara Throckmorton by deed recorded in Volume 1521 Page 0107, and known as Parcel No. 04-143950;

Thence northerly along the westerly line of said Throckmorton property to the northwest corner of said lands;

Thence easterly along the northerly line of said Throckmorton property to a point on the centerline of White Road;

Thence northerly along the centerline of White Road approximately 45 feet to a point on said centerline;

Thence easterly along the northerly line of land conveyed to JD Properties Inc. by deed recorded in Volume 1291 Page 0804, and known as Parcel No. 04-150578 to the northeast corner of said JD Properties parcel;

Thence northerly along the westerly line of land conveyed to Geauga County Board of Commissioners by deed recorded in Volume 0040 Page 0272, and known as Parcel No. 04-707125 to the northwest corner of said Board of Commissioners property;

Thence easterly along the northerly line of said Board of Commissioners property to a point on the centerline of Berkshire Industrial Parkway;

Thence northerly along said centerline approximately 30 feet to a point;

Thence easterly along the westerly projection of the northerly line of land conveyed to Berkshire Properties by deed recorded in Volume 0778 Page 1081, and known as Parcel No. 04-150633 to the northeast corner of said Berkshire Properties lands;

Thence northerly along the westerly line of land conveyed to BAA Land Management LLC by deed recorded in Volume 1124 Page 0499, and known as Parcel No. 04-059400 to a point on the centerline of Kinsman Road;

Thence easterly along the centerline of Kinsman Road a distance of approximately 1102 feet to a point on the easterly township line of Burton Township;

Thence southerly along the easterly township line of Burton Township to the southeast corner of lands conveyed to Cornerstone Bible Church by deed recorded in Volume 1773 Page 2236 and known as Parcel No. 04-150573, the same being the principal place of beginning.

Parcel 2

Beginning at the northeast corner of land conveyed to Blair Properties Inc. by deed recorded in Volume 1812 Page 1095, and known as Parcel No. 04-132917 of the Geauga County Records the same being a point on the easterly boundary line of Burton Township;

Thence southerly along said easterly boundary line of Burton Township to the intersection of said easterly boundary and the centerline of Kinsman Road;

Thence westerly along the centerline of Kinsman Road to a point, the same being the southeast corner of land conveyed to David and Cynthia Barnes by deed recorded in Volume 0867 Page 0357, and known as Parcel No. 04-079690;

Thence northerly along the easterly line of said Barnes property to its northeast corner;

Thence westerly along the northerly line of said Barnes property to the northwest corner the same being a point on the easterly line of land conveyed to Phyllis and Francis Parco and Patricia Pivovar by deed recorded in Volume 1827 Page 0726, and known as Parcel No. 04-089700;

Thence northerly along the easterly line of said Parco and Pivovar property to the northeast corner of said property;

Thence westerly along the northerly line of Parco and Pivovar to the northwest corner of said property;

Thence northerly along the westerly line of land conveyed to Blair Properties Inc. by deed recorded in Volume 1812 Page 1095, and known as Parcel Nos. 04-132911, 04-132912, 04-132913, 04-132914, 04-132915, and 04-132916 to the northwest corner of parcel 04-132916;

Thence easterly along Blair Properties parcel nos. 04-132916 and 04-132917 to the northeast corner of parcel 04-132917 the same being the principal place of beginning.

Parcel 3

Beginning at the northeast corner of lands conveyed to Samuel A. and Marilyn Mullett, Trustees by deed recorded in Volume 1007 Page 0555 and known as Parcel No. 04-101600 of the Geauga County Records, and its easterly extension to a point on the centerline of Station Road and a point on the easterly boundary of Burton Township;

Thence south along the easterly boundary of Burton Township to the intersection of said easterly line of Burton Township and the centerline of Burton Windsor Road;

Thence west along said centerline of Burton Windsor Road to a point, the same being the southeast corner of lands conveyed to the City of Akron by deed recorded in Volume 0187 Page 0010 and known as Parcel No. 04-707140 of the Geauga County Records;

Thence north along the easterly line of said Akron Parcel No. 04-707140 and the northerly extension of said easterly line to a point, the same being the intersection of the extension of said easterly line of Akron Parcel No. 04-707140 and the westerly extension of the northerly property line of lands conveyed to Samuel A. and Marilyn Mullett, Trustees by deed recorded in Volume 1007 Page 0555 and known as Parcel No. 04-101600 of the Geauga County Records;

Thence east along the northerly line of said Mullett property to the northeast corner of said Mullett lands the same being the principal place of beginning.

Parcel 4

Beginning at the southwest corner of land conveyed to City Of Akron by deed recorded in Volume 0182 Page 0046, and known as Parcel No. 04-025400 of the Geauga County Records;

Thence westerly along the centerline of Kinsman Road to the southeast corner of land conveyed to Daniel and Barbara Kaufmann by deed recorded in Volume 0460 Page 0860, and known as Parcel No. 04-079900;

Thence northeasterly along the easterly line of said Kaufmann property to the northeast corner of said lands;

Thence easterly along the extension of the northerly line of said Kaufmann property, the northerly line of land conveyed to Excel Polymers LLC by deed recorded in Volume 1738 Page 2474, and known as Parcel No. 04-040400, and the eastern extension of said northerly line of Excel Polymers LLC Parcel No. 04-040400 to the northwest corner of land conveyed to City of Akron by deed recorded in Volume 0186 Page 0034, and known as Parcel No. 04-707135;

Thence southerly along the westerly lines of said City of Akron Parcel 04-707135 and land conveyed to City of Akron by deed recorded in Volume 0513 Page 0093, and known as Parcel No. 04-707131 to the northwest corner of land conveyed to Excel Polymers LLC by deed recorded in Volume 1738 Page 2474, and known as Parcel No. 04-040500;

Thence southerly along the westerly line of said Excel Polymers LLC Parcel No. 04-040500 and continuing southerly across land conveyed to BF Acquisition LLC in Volume 1317 Page 0734 and known as Parcel No. 04-147300 to the northwest corner of land conveyed to City of Akron by deed recorded in Volume 0182 Page 0046, and known as Parcel No. 04-025400;

Thence southerly along the westerly line of said City of Akron Parcel No. 04-025400 to the southwest corner and the centerline of Kinsman Road, the same being the principal place of beginning.

Parcel 5

All of the lands now or formerly owned by Robert K. and Sandra Sturm as conveyed by deed recorded in Volume 1199 Page 0812 and known as Parcel No. 04-038200 of the Geauga County Records.

Parcel 6

Beginning at a point on Kinsman Road, the same being the westerly line of land conveyed to Thomas F. Blair, Sr. by deed recorded in Volume 1027 Page 0617, and known as Parcel No. 04-150746;

Thence southwesterly and southerly along the western property line of said Blair property to the southwest corner of said Blair property, the same being a point on the northerly property line of land conveyed to The Clark Family Limited Partnership by deed recorded in Volume 1220 Page 0566 and known as Parcel No. 04-079050 of the Geauga County Land Records;

Thence westerly along the northerly line of said Clark Family property to the northwest corner of said Clark Family property;

Thence southerly along the westerly line of said Clark Family property and the westerly line of land conveyed to Hall Property Enterprise, LLC by deed recorded in Volume 1291 Page 0263 and known as Parcel No. 04-062750, to the southwest corner of said Hall property;

Thence easterly and northeasterly along the southerly line of said Hall property to the northeast corner of said Hall property, the same being a point on the centerline of Kinsman Road;

Thence northwesterly along the centerline of Kinsman Road to a point on said centerline, the same being the westerly line of land conveyed to Thomas F. Blair, Sr. and the principal place of beginning.

Official Zoning map

- A. 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.
- B. In the event of discrepancies between the 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.
- C. The official township zoning map shall be identified by the signatures of the township trustees and attested to by the township Fiscal Officer together with the date of its adoption and the effective date.

301.1 Location of Official 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 there from except by township officials for the purpose of conducting township business.

301.2 Amendments to the Official Zoning Map

- A. No amendments shall be made to the official township zoning map except in conformity with the procedure set forth in article 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 zoning maps in the manner provided in section 301.1.

END OF ARTICLE III

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**ARTICLE IV
DISTRICT REGULATIONS**

<u>Section</u>	<u>Title</u>
400.0	General <ul style="list-style-type: none">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.
401.0	All Zoning Districts.
401.1	Regulations for Accessory Buildings, Structures, and Uses In All Zoning Districts <ul style="list-style-type: none">A. Accessory buildings, structures, and uses as defined in Section 201.0 and permitted in the zoning district in which located, shall be in conformity with the following regulations in addition to such other regulations set forth in this resolution:<ul style="list-style-type: none">1. The front yard setback of all accessory buildings, structures, and uses except as otherwise provided in Section 402.11 or in this resolution, shall be equal to or greater than the front setback of the principal building, structure, or use and shall be in compliance with the minimum front yard setback for the zoning district in which it is located. Except as otherwise provided in this resolution, no accessory building, structure or use shall be located in front of the principal building, structure, or use on a lot.2. The size of all accessory buildings and structures combined, excluding the buildings, structures and uses in Section 402.11, other than off-street parking spaces, or as otherwise provided in this resolution shall not cause total lot coverage to exceed the amount of coverage permitted by this resolution for all buildings, structures, and uses on a lot for the applicable zoning district in which it is located.3. The accessory buildings, structures, and uses in Section 402.11, except mailboxes and newspaper tubes, shall not be

- located within the road right-of-way nor shall they impair the view of motor vehicles within or entering the road right-of-way.
4. The height of an accessory building or structure shall not exceed the height permitted for principal buildings or structures on a lot for the zoning district in which it is located, except as otherwise provided in this resolution.
 5. An accessory building, structure, or use shall be located on the same lot as the principal building, structure, or use.
 6. An accessory building or structure shall not be located within fifteen (15) feet of the principal building or structure on a lot except as otherwise provided in this resolution.
 7. An accessory building or structure is permitted to be built on a lot prior to the building of the principal building or structure only if a zoning certificate has first been issued for the construction of the principal building or structure.

401.2 Prohibited Uses In All Zoning Districts

- A. Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefore, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article XII or a variance that has been granted in accordance with Article X.
- B. Lighting fixtures and devices which are arranged to reflect lights on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.
- C. Mobile homes shall be prohibited.
- D. No junk vehicle, as defined herein, including an unlicensed collector's vehicle shall be stored or located outside of a fully enclosed fence or building which would completely conceal it from view.
- E. Junk yards shall be prohibited.
- F. Automotive wrecking shall be prohibited.
- G. Manufactured Home parks shall be prohibited.
- H. Harboring, maintaining, or controlling wild, dangerous or undomesticated animals shall be prohibited. A "wild, dangerous or undomesticated animal" means an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:

1. Is a poisonous or venomous animal or snake, or a snake that is a constrictor;
2. Is an omnivorous or carnivorous animal which is a predator in its natural habitat;
3. Is an animal which, by reason of its size, strength or appetite, if unrestrained and free in the Township, could cause peril to persons, pets, or other domesticated animals, buildings, landscaping, or personal property;
4. Is, by illustration, and without limitation among the following: a lion, tiger, lynx, mountain lion, jaguar, cheetah, leopard, panther, bear, wolverine, elephant, giraffe, rhinoceros, hippopotamus, wolf, wild ox, wild boar, crocodile, alligator, caiman, gavial, hyena, gorilla, or coyote.

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

402.0 Residential Zoning Districts

402.1 R-5 and R-3 Residential Districts

402.2 Permitted Principal Buildings, Structures, and Uses

- A. Single family detached dwellings, including industrialized units and manufactured homes subject to the regulations set forth in Section 402.12. There shall be no more than one single family detached dwelling on a lot.
- B. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25 percent of the total floor area of a dwelling unit shall be used in the conduct of a home occupation. Floor area of a dwelling unit shall be determined by measuring its interior dimensions, in accordance with Section 402.10.

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

- A. A wind system device shall have a minimum Clear Zone Setback (CZS) measured from the nearest lot line to the base of the device of not less than 1.10 when $CZS = HT \times 1.10$. HT shall mean the height of the wind system device measured from its base to its highest point including the blade.
- B. Farm markets, provided that 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. Any stand found on such market shall be at least twenty (20) feet back from the traveled portion of the road and be designed and constructed that they can be and are removed when not in use. Such Markets shall have adequate facilities maintained for the off-the-road parking of customer's vehicles.

1. Roadside stands, not exceeding one (1) per lot, may be used for the display and sale of agricultural products provided:
 - a. Such stands are at least twenty (20) feet back from the traveled portion of the road.
 - b. Adequate facilities are maintained for off-the-road parking of customer's vehicles.
 - c. Such stands shall be so designed and constructed that they can be and are removed when not in use.

C. Fences and walls in accordance with the following regulations:

1. Fences and walls shall be erected outside of the right-of-way of a public or private road
2. No part of any fence or wall shall extend beyond the boundary lines of the property being enclosed.
3. Structural posts and supports and other devices shall be erected within the side facing the property being enclosed.
4. No fence or wall materials, exposed projections, nor the location or manner of construction shall constitute a hazard to the general public safety.
5. Electrical and barbed wire fencing shall be limited to agricultural use.
6. Fences and walls in Residential and Commercial Zoning Districts shall not exceed eight (8) feet in height above the finished grade level, provided that in any required front yard, no fence or wall shall exceed four (4) feet in height above the finished grade level or materially impede the vision of a driver at the intersection of a driveway with a public road.
7. Fences and walls in Industrial Zoning Districts shall not exceed ten (10) feet in height above the finished grade level, provided that in any required front yard, no fence or wall shall exceed four (4) feet in

height above the finished grade level or materially impede the vision of a driver at the intersection of a driveway with a public road.

8. Fences or walls deemed unsafe, unsecure or in disrepair so as to constitute a nuisance or safety hazard, as determined by the Zoning Inspector, shall be repaired, replaced or taken down on the order of the Zoning Inspector.
- D. Off-street parking spaces in accordance with Article VI.
- E. Private garages designed and used for the storage of personal property and motor vehicles owned and/or operated by the occupants of the principal building or structure.
- F. Radio, television, satellite dish, and amateur radio service communication antennas in accordance with Section 402.8. No zoning certificate shall be required for a satellite dish antenna that is one (1) meter or less in diameter in any residential zone or two (2) meters or less in diameter in any industrial-commercial zone.
- G. Sanitary and drinking water facilities.
- H. Signs in accordance with Article VII.
- I. Swimming pools in accordance with the following regulations:
1. A swimming pool shall be used solely by the occupants of the principal use, or their guests, of the property on which it is located.
 2. A swimming pool shall not be located closer than twenty (20) feet to any property line.
 3. A swimming pool shall be fully enclosed by a protective structure that will restrict uncontrolled access to the pool. Such structure shall be a fence or a wall that is at least four (4) feet in height and not less than six (6) feet from the perimeter of the pool. Any gates or other entries through such fence or wall shall be self-closing, self-latching and lockable. The release mechanism shall be located on the pool-side of the gate at least three (3) inches below the top of the gate. Fencing shall be constructed so as to prohibit the passage of a sphere larger than four (4) inches in diameter through any opening or under the fencing. Fencing shall be designed to withstand a horizontal concentrated load of two-hundred (200) pounds applied on a one (1) square foot area at any point of the fencing.

4. Where an above ground pool structure is used as a barrier and the means of access is a ladder or steps:
 - a. the ladder or steps shall be capable of being secured, locked or removed when the pool is not in use.
 - b. when the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four (4) inch diameter sphere.
 - c. If there is a deck around the pool, it must be at least four (4) feet above the ground with the opening secured as provided herein.

- J. Free-Standing Solar Energy Panels and Arrays are permitted in any district, provided the following provisions are met:
 1. The number of Freestanding Solar Energy Panels and/or Arrays permitted in any district shall encompass no more than twenty percent (20%) of the total area of the lot upon which the panels and/or arrays are installed. Panel collector surface area is used for flat panels, radius shall be used for calculation of surface area of concentrating collector types.
 2. Freestanding Solar Energy Panels and/or Arrays shall not be located in front of a principal building or structure in a Residential District
 3. All panels and/or arrays shall comply with the minimum setback requirements for the zoning district in which they are located.
 4. An application and site plan for a Zoning Certificate shall be submitted to the Zoning Inspector on forms provided by the Zoning Inspector.
 5. When a panel and/or array ends its useful life, the property owner shall remove the panel(s) and/or array(s) within one-hundred eighty (180) days from the date on which the system last functioned, unless the owner produces evidence of mitigating circumstances. The cost and expense of removal shall be borne by the property owner.
 6. Solar Energy Panels and/or Solar Energy Arrays will be dismantled using best management practices. Non-panel and/or array components such as foundations, anchor bolts, rebar, conduit, construction pads, and other subsurface components to be removed to a minimum of thirty-six (36) inches below grade.
 7. Items not known to be harmful to the environment buried greater than thirty-six (36) inches below grade may be left in place at the

applicant's discretion. Once removal is complete, the excavation will be backfilled with material of quality soil comparable to the immediate surrounding area. The disturbed soils of the site will be rehabilitated including appropriate grading and reseeding of the area.

8. There shall be no signage attached to the solar energy panels, except for any manufacturer's identification.

K. Roof and Wall Installed Solar Energy Panels are permitted in any district, provided the following provisions are met:

1. All Roof or Wall Installed Solar Panels shall require a Zoning Certificate prior to installation. Within thirty (30) days after installation the owner shall provide the Zoning Inspector with a certified letter from a qualified person or entity that reflects that the system has been installed in compliance with Section 402.3.J.1-4.
2. An application and site plan for a Zoning Certificate shall be submitted to the Zoning Inspector on forms provided by the Zoning Inspector.
3. Panels shall be decommissioned as outlined per Section 402.3.J.5-8.

L. Outdoor Wood-Fired Boilers in accordance with Section 404.0

402.4 Conditional Buildings, Structures and Uses

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

A. Home Occupations

1. A home occupation is an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the lot as a dwelling and residence, and is conducted entirely within the dwelling unit, without any adverse effect upon the surrounding neighborhood.
2. Conditions for home occupations:

- A. A home occupation may be established only within a dwelling unit. Only one (1) home occupation may be established on a lot.
- B. There shall be no change in the exterior appearance of a dwelling unit 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.
- C. Off-street parking spaces shall be provided in accordance with Article VI.
- D. The minimum width of a driveway for ingress and egress to a home occupation shall be 10 feet. Such driveway shall be constructed with an all-weather surface.
- E. The dwelling unit in which a home occupation is conducted shall conform with all the regulations for the zoning district in which it is located.
- F. No more than 2 persons, other than the occupants of the premises, may be employed or engaged in a home occupation.
- G. Articles offered for sale on the premises shall be limited to those produced in the dwelling unit.
- H. A home occupation shall be owned or operated by the owner or resident of the property or his immediate family.
- I. Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities for a home occupation.

*NOTE: The following (B-H) principal buildings, structures, and uses are subject to a conditional use permit.

- B. Licensed residential facilities subject to the regulations set forth in Section 402.13.
- C. Cemeteries
- D. Churches
- E. Governmental Offices
- F. Police and Fire Stations
- G. Public parks
- H. Schools
- I. Bed and Breakfast Definition

1. Residential dwelling in which rooms are rented to paying guests on an overnight basis and breakfast only is provided; the entire service to be included in one stated price.
2. Conditions for Bed and Breakfast: A bed and breakfast use shall conform with all of the following conditions.
 - a. The Bed and Breakfast shall be owner-operated; it must be the principal residence of the owner, and occupied by the owner. There shall be no more than one Bed and Breakfast on a lot.
 - b. No more than three (3) rooms shall be rented. Each room rented shall contain a minimum of one hundred (100) square feet.
 - c. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure or building.
 - d. No cooking facilities of any type shall be permitted in the rented rooms.
 - e. Such parking spaces shall not be located in front of the principal dwelling on a lot.
 - f. No change to the outside appearance of the dwelling shall occur as a result of the operation of the Bed and Breakfast facility.
 - g. One (1) sign not exceeding four (4) square feet per sign face in area shall be permitted. The sign shall conform to Article VII.
 - h. Comply with all governmental regulations pertaining to health and safety, including written evidence of the approval for water and sewer facilities, as well as regulations for the zoning district in which it is located.
 - i. Renewal of the conditional zoning certificate is pursuant to Article V Section 503.0(B) of the Burton Township Zoning Resolution.
 - j. Any other reasonable condition deemed appropriate by the Zoning Board of Appeals.
 - k. If the foregoing conditions have been violated by the owner thereof, the Conditional Zoning Certificate may be revoked after a hearing by the Zoning Board of Appeals in accordance with the procedures set forth in Section 1002.2.
 - l. A new Conditional Zoning Certificate for a bed and breakfast must be applied for within thirty (30) days after a change of ownership in accordance with this resolution.

402.5

Minimum Lot Area

District	acres
R-5	5
R-3	3

402.6 Minimum Lot Width

A. Minimum Lot Width for R-5 and R-3 Districts

Section 402.6(A) does not apply to lots located on a permanent cul-de-sac road turnaround, see Section 402.6(B). Lots shall have sixty (60) feet minimum frontage as measured at the road right of way line. The following minimum lot width at the building front yard setback line shall be required:

District	feet
R-5	300
R-3	250

B. Minimum Lot Width for lots located on a permanent cul-de-sac road turnaround

Lots located on a permanent cul-de-sac road turnaround shall have sixty (60) feet minimum lot width at the front lot line and shall have the following minimum lot width at the building front yard setback line:

District	feet
R-5	300
R-3	250

402.7 Minimum Yard Setbacks

A. For lots of record three (3) acres or more in area, the minimum yard setbacks for all buildings, accessory buildings, structures, and uses shall be as follows:

1. Front yard:

District	feet
R-5	120
R-3	120

2. Each side yard:

District	feet
R-5	40
R-3	30

3. Rear yard:

District	feet
R-5	40
R-3	30

B. For lots of record less than three (3) acres in area, the minimum yard setbacks for all buildings, accessory buildings, structures, and uses shall be as follows in the R-5 and R-3 Districts:

1. Front yard: 120 feet
2. Each side yard: 15 feet
3. Rear yard: 15 feet

402.8 Maximum Height

- A. The maximum height of all buildings, structures, and uses except those listed in paragraph B herein shall be 35 feet or 2.5 stories, whichever is lesser.
- B. Special maximum heights
1. Belfries, church spires, clock towers, cupolas, chimneys, and flagpoles: no maximum height requirement.
 2. Radio and/or television antennas shall not exceed ten (10) feet in height above the roofline if attached to a building or structure, or forty-five (45) feet if mounted in the ground. Ground mounted dish antennas shall be in the rear yard.
 3. Wind System Devices, HT shall not exceed one-hundred (100) feet. HT shall mean the height of the wind system device measured from its base to its highest point including the blade.
 4. Pursuant to O.R.C. 519.24 and O.R.C. Section 5502.031, an antenna for amateur radio service communications shall be permitted: no maximum height requirement.

402.9 Maximum Lot Coverage

The maximum lot coverage shall be (40 percent) 40%.

402.10 Minimum Floor Area

- A. The minimum floor area per dwelling unit shall be (twelve hundred) 1200 square feet.

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

402.11 Permitted Buildings, Structures, and Uses in Required Yards.

- A. Awnings or canopies over windows and doors
- B. Chimneys
- C. Fences

- D. Flagpoles
- E. Mailboxes and newspaper tubes
- F. Off-street parking spaces in accordance with Article VI
- G. Ornamental and security lighting fixtures
- H. Ponds and dry hydrants
- I. Sanitary and drinking water facilities
- J. Signs in accordance with Article VII.
- K. Student bus shelters
 - 1. The floor area shall not exceed sixteen (16) square feet
 - 2. The height shall not exceed eight (8) feet.
- L. Television, radio, and dish antennas
- M. Wind system devices
- N. Solar system devices
- O. Uncovered porches, patios, and steps

402.12 Manufactured Homes

Manufactured homes shall conform with all of the following regulations

A. Regulations for a manufactured home

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

1. Conform to the Federal Manufacturing 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 U.S.C.A. Section 5415, and manufactured after January 1, 1995; and
2. Have all hitches, axles, wheels, running lights and other indicia of mobility removed from the home; and
3. Exclusive of any addition, have a width of not less than 22 feet at one point, a length of not less than 22 feet at one point, and a

minimum floor area in accordance with the residential district in which it is located; and

4. Have a minimum "A" roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering; and
 5. Be permanently installed upon and properly attached to a foundation system that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to appropriate facilities; and
 6. Conform to all residential district regulations for the district in which it is located.
- B. In addition to the above requirements the owner shall surrender the title to the manufactured home to the county auditor upon its placement on a permanent foundation and such surrender shall be notice to the county auditor to tax the manufactured home as real property.

402.13 Licensed Residential Facilities

- A. Requirements 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;
1. The area, height, and yard requirements for the residential district in which it is located shall be met.
 2. Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided.
 3. There shall be no more than one (1) detached licensed residential facility on a lot.

403.0 Commercial/Office and Industrial/Office Districts

403.1 Purpose of Districts

A. C-O Commercial / Office District

The purpose of the C-O Commercial / Office District is to provide for a variety of business enterprises that afford a mix of commercial goods and services to meet the needs of the residents of both the Township and surrounding area in a safe and efficient manner. It is the intent of this District to provide local employment opportunities and to contribute to the economic base of the Township. It is the further intent of this District to encourage groupings of establishments on unified and properly planned sites with cohesive and complementary design, adequate parking, and controlled vehicular access.

B. I-O Industrial / Office District

The purpose of the I-O Industrial / Office District is to provide locations for the development of office, service, limited manufacturing, and other light industrial uses which do not create impacts on adjacent properties or the environment. Uses within I-O Industrial / Office Districts are intended to be compatible with adjacent residential areas, to manage vehicular access so as to minimize negative impacts, to provide employment opportunities, and to contribute to the economic and tax base of the Township. It is the further intent of this District that permitted uses be located on attractive, well designed sites that enhance the visual quality and character of the Township.

403.2 Uses

Within Commercial, Office, and Industrial Districts, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the uses as specified in Table 403.2 and as otherwise provided in this Zoning Resolution:

TABLE 403.2 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS		
USE <i>Permitted = P</i> <i>Conditionally Permitted = C</i> <i>Accessory = A</i>	DISTRICT	
	C-O Commercial / Office	I-O Industrial / Office
Offices	P	P
Medical Offices	P	P
Banks and Financial Institutions	P	
Retail Stores Less than 50,000 square feet	P	P
Medical Clinics and Ambulatory Care Facilities	P	P
Personal Services	P	
Preparation and Processing of Food and Drink to be Retailed and Wholesaled	P	P
Business Services	P	P
Drive-in or Drive-Thru Facilities	C	C
Gasoline Service Stations subject to Section 403.13(C)	C	C
Mortuaries; Funeral Homes	P	
Day Care Centers for Children and Adults	P	C
For Profit Schools and Training Facilities	P	P
Hotels and Motels subject to Section 403.13(B)	P	
Printing, Publishing and Copy Service Facilities	P	P
Warehousing and Storage	C	P
Wholesale Operations	C	P
Recreation and Entertainment Facilities	C	C

TABLE 403.2 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS		
USE <i>Permitted = P</i> <i>Conditionally Permitted = C</i> <i>Accessory = A</i>	DISTRICT	
	C-O Commercial / Office	I-O Industrial / Office
Sales, Rental, Service and Repair of Vehicles, Machinery, and Equipment subject to Section 403.13(D)	P	P
Hospitals	P	P
Nursing Homes and Assisted Living Facilities	C	
Veterinary Animal Hospitals/Clinics	P	P
Contracting Firms		P
Research and Testing Facilities		P
Hardware, Building Supply, and Lumber Yards	P	P
Kennels; Animal Shelters; Pet Spa; Pet Salon	C	C
Light Manufacturing, Fabrication, and Assembly subject to Section 403.12		P
Adult Oriented Businesses subject to Section 403.13(A)		C
Health Spas	P	
Exercise/Athletic Facilities	P	P
Solar Energy Panels and Arrays, Subject to Article IV, Section 403.2(J)	A	A
Signs subject to Article VII	A	A
Parking subject to Article VI	A	A
Saw Mills		P
Outdoor Wood-Fired Boilers (in accordance with Section 404.0)	A	A

403.3 Minimum Lot Area, Frontage, Width, and Setbacks; Minimum Off-Street Parking Setbacks; and Maximum Lot Coverage and Building and Structure Height Regulations

The minimum lot area, frontage, width, and setbacks; minimum off-street parking setbacks; and maximum lot coverage and building and structure height regulations in Commercial, Office, and Industrial Districts shall be as provided in Table 403.3 and as otherwise provided in this Zoning Resolution.

TABLE 403.3		
MINIMUM LOT AREA, FRONTAGE, WIDTH, AND SETBACKS; MINIMUM OFF-STREET PARKING SETBACKS; AND MAXIMUM LOT COVERAGE AND BUILDING AND STRUCTURE HEIGHT REGULATIONS		
FOR COMMERCIAL, OFFICE, AND INDUSTRIAL DISTRICTS		
REGULATION	DISTRICT	
	C-O Commercial / Office	I-O Industrial / Office
Minimum Lot Area (acres)	2.0	2.0
Minimum Lot Frontage (feet) (see : sub-paragraph "a" below)	100	100
Minimum Lot Width At Building Front Yard Setback Line (feet)	150	150
Minimum Front Yard Setback (feet from centerline of road right-of-way)	110	80
Minimum Side Yard Setback (feet) Adjacent to Residential District	20 40	20 50
Minimum Rear Yard Setback (feet) Adjacent to Residential District	20 50	20 60
Off-Street Parking Setback (feet)		
Front (from centerline of road right-of-way)	70	70
Rear	30	30
Side	20	20
Adjacent to Residential District	40	50
Maximum Lot Coverage (percentage)	50%	60%
Maximum Building and Structure Height (feet)	45	45

- a. Cul-de-sac Lot Frontage. Notwithstanding other requirements of Table 403.3, a lot shall have a minimum of seventy-five (75) feet of frontage along the arc of a permanent cul-de-sac road right-of-way.

403.4 Not Used [As Amended August 02, 2012]

403.5 Principal Buildings

In C-O Commercial / Office Districts and I-O Industrial / Office Districts, more than one (1) principal building shall be permitted on any one (1) lot or parcel.

403.6 Lots

- A. Every lot shall comply with the minimum required dimensions for lot area, frontage, and lot width as provided in Table 403.3.
- B. Corner Lots.
 1. Corner lots shall have sufficient depth and width to ensure that yards abutting both streets comply with the minimum front yard setback requirements.
 2. On a corner lot nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede the vision of a motorist within the triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way twenty five (25) feet distant from point of intersection right-of-way.

403.7 Transition Buffers

A transition buffer shall be required wherever a Office, Commercial or Industrial District directly abuts any Residential District. Where an Office, Commercial or Industrial District abuts a Residential District but is separated by a road, a transition buffer is not required. Transition buffers shall be installed prior to the occupancy of any permitted or conditionally permitted use and must be maintained at all times in perpetuity in accordance with these provisions. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a transition buffer. Plans for required transition buffers shall be submitted as part of the site plan and shall be reviewed and approved prior to the issuance of any Zoning Permit. Transition buffers shall comply with the following minimum criteria:

- A. The minimum width of a transition buffer shall be as follows:
 - Thirty (30) feet for C-O Commercial / Office Districts, and I-O Industrial / Office Districts.

- B. Each transition buffer shall contain either an earthen mound, masonry wall, or solid fence. The minimum height of said mound, wall or fence shall be six (6) feet. Fences shall be board-on-board or comparable solid type fencing as approved. Fences and walls shall consist of materials that are compatible and consistent with the proposed building facade.
- C. Each transition buffer shall be planted with a mixture of sixty percent (60%) evergreen trees and forty percent (40%) deciduous trees. There shall be a minimum of one (1) tree for each twenty (20) lineal feet of buffer area. Trees shall be a minimum of six (6) feet in height at the time of installation.
- D. A densely planted vegetative buffer may be permitted in lieu of the required fence, wall or mound where there is sufficient evidence provided that the density of plantings and resulting opacity is adequate to provide a comparable year round visual and auditory screening.

403.8 Not Used [As Amended August 02, 2012]

403.9 Landscaping

- A. To promote public health and safety, to protect and preserve the appearance, character and value of adjacent properties all uses within Commercial and Office Districts shall comply with the following landscaping standards:
 - 1. Front Yard Requirements
The following minimum plant materials shall be provided and maintained:
 - a. One (1) tree for each fifty (50) linear feet of lot frontage or fraction thereof, not including drive entrances.
 - b. Grass, ground covers or other approved live landscape treatment, excluding paving or gravel.
 - 2. Building Foundation
Landscape plantings shall be provided in a landscape bed which shall be a minimum of four (4) feet wide and shall extend across the entire front façade of each building. Landscape material shall include trees, shrubs, live ground covers and/or lawns in accordance with an approved landscape plan. In lieu of a landscape bed, a four (4) feet wide sidewalk shall be required.

3. Parking Lot Landscaping

Parking lots containing fifty (50) or more parking spaces shall be designed and maintained with a minimum of ten (10) square feet of landscaped area for each parking space.

- B. All unpaved areas within Industrial Districts shall have landscaping and grass cover for all areas between the front of the building and the street right-of-way.

403.10 Exterior Lighting

A. General Requirements, all Districts:

1. All new or replacement 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 perimeter lot lines and toward the principal building, structure or use on a lot. In order to minimize light trespass, all exterior lighting fixtures with lamps rated at initial lumens of two thousand five hundred (2,500) or greater shall be of the full cutoff type.
2. Up-lighting for buildings, structures, and landscaping is not permitted unless utilizing a shielded lighting fixture.
3. Exterior lighted signs shall utilize lighting which shines against the sign so that the light emitted directly from the fixture is not shining/emitted beyond the boundaries of the sign. Sign lighting shall comply with all applicable provisions in this resolution.

B. Exceptions to 403.10.A

1. Lighting of The United States of America flag is exempt.
2. All exterior lighting fixtures with a combined output of less than two-thousand five hundred (2,500) lumens per fixture.
3. Lighting fixtures producing light directly by the combustion of fossil fuels, such as natural gas, propane or kerosene.
4. Temporary lighting including holiday lighting or emergency lighting.

403.11 Outdoor Display and Storage

- A. Outdoor display shall not be located in the required landscaped portion of the front setback, within required side yards, or on required parking spaces.
- B. Outdoor storage shall be located only to the side or rear of the principal building.

- C. Outdoor storage shall be completely screened from view from State Route 87 or White Road by a solid wall or opaque fence.

403.12 Performance Standards

No land or building in any Commercial, Office, or Industrial District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition which may adversely affect the surrounding area or adjoining properties. Uses specifically listed as permitted or conditionally permitted by this Zoning Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements. The Zoning Inspector shall have the authority to investigate complaints relating to alleged non-compliance with these standards, and may take appropriate action as necessary to compel compliance.

Fire Hazards

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment as required by safety codes enforced in the Township.

Radioactivity

No activity shall emit dangerous radioactivity at any point nor generate radioactive levels outside of the building that exceed current safety standards as established by the State of Ohio or the Code of Federal Regulations.

Electrical Disturbance

No activity shall be permitted which produces any electrical or magnetic disturbance that adversely affects public health and safety or the operation of any equipment other than that of the creator of such disturbance including, but not limited to interference with radio, television, or telephone reception from off the premises.

Vibration

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

Smoke

Smoke emissions shall comply with the standards and regulations enforced by the Ohio Environmental Protection Agency.

Noise

Sound from any use, operation, or activity shall not exceed a maximum of 55 decibels (dB) measured at the nearest residentially zoned property line or 65 dB measured at the nearest non-residentially zoned property line. Sound levels shall be exceed when any one or more of the following occur:

1. The noise at any one point in time exceeds the established limits by fifteen (15) dB; or
2. The noise exceeds the established limits by ten (10) dB for a cumulative total of one (1) minute out of any ten (10) minutes; or
3. The noise exceeds the established limits by three (3) dB of a period of five (5) minutes.

Emergency warning sirens and related apparatus used solely for public purposes are exempt from this requirement.

Odors

No malodorous gas or matter shall be permitted which is determined by the Board of Zoning Appeals to be offensive or which causes a public nuisance or hazard on any adjoining lot or property.

Air Pollution

No pollution of air by fly ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling. All emissions shall comply with the current requirements of the Ohio Environmental Protection Agency.

Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

Water Pollution

No pollution of water shall be permitted. All water borne emissions and/or effluents shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.

Hazardous or Toxic Chemicals or Gases

No chemicals or gases which are a hazard to public health or safety shall be allowed except in compliance with local, state, and federal standards and regulations.

403.13 Conditional Buildings, Structures and Uses

A. Adult Oriented Businesses

1. Purpose and Intent.

It is the purpose of these provisions to regulate Adult Oriented Businesses in order to promote health and safety, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of such businesses within the Township based upon reliable evidence concerning the adverse secondary effects of Adult Oriented Businesses on other communities. These regulations are not intended to restrict the content of materials, to deny access to sexually oriented materials, or deny appropriate market locations to distributors and/or exhibitors.

2. Permitted Locations.

Adult Oriented Businesses may be located in the I-O Industrial / Office District subject to the following restrictions and limitations. For purposes of complying with this Section, measurements shall be made in a straight line from the nearest edge or portion of the building containing, or proposed to contain, the Adult Oriented Business, to the nearest property line of the premises of the use, or uses, listed herein, without regard to paths of travel or intervening structures or obstructions.

- a. No Adult Oriented Business shall be established within one thousand (1000) feet of a church, synagogue, temple, or other place used primarily for religious worship;
- b. No Adult Oriented Business shall be established within one thousand (1000) feet of a public or private educational facility, including but not limited to nursery schools, preschools, kindergartens, elementary schools, middle schools, high schools, vocational schools, special education facilities, and colleges.
- c. No Adult Oriented Business shall be established within one thousand (1000) feet of a public park or recreation area, publicly owned open space, teen or youth center, or private recreation facility regularly used for community or public sponsored recreation activities.
- d. No Adult Oriented Business shall be established within one thousand (1000) feet of another Adult Oriented Business.

3. **Product and Activity Displays.**
All activities associated with an Adult Oriented Business shall be conducted entirely within a completely enclosed building. No products, merchandise, displays, or activities shall be placed or conducted outside of the building or in such a manner as to be visible from off the premises.

B. Hotels and Motels

Each living unit shall have a minimum floor area of two hundred (200) square feet.

C. Gasoline Service Stations

1. All fuel storage tanks shall be completely underground.
2. Pumps shall be a minimum of 110 feet from the centerline of the right-of-way.
3. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
4. All storage of supplies shall be within completely enclosed buildings during non-business hours.
5. No vehicle shall be stored more than thirty (30) consecutive days in a location which is visible from either an adjacent property or a public right-of-way.

D. Sales, Rental, Service & Repair of Vehicles, Machinery, & Equipment

1. No vehicle shall be parked for display within seventy (70) feet of the centerline of the roadway and twenty (20) feet from side and rear lot lines.
2. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
3. All storage of supplies shall be within completely enclosed buildings.

404.0 Outdoor Wood-Fired Boilers (OWB)

404.1 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 of the building to be heated, for the primary purpose of combustion to produce heat energy or energy used as a component of a heating system providing heat for any interior space or water source. An OWB may also be referred to as an outdoor wood-fired furnace, an outdoor wood-fired hydronic heater, or a hydronic heater. An OWB shall be a United States Environmental Protection Agency (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 and as further set forth in the New Source Performance Standards (NSPS).

404.2 OWB Regulations

An OWB shall be permitted in all zoning districts upon receiving a zoning certificate issued by the Zoning Inspector and shall be subject to the following regulations:

- A. Accessory structure: An OWB is classified as an accessory structure and shall adhere to all applicable requirements in this resolution for accessory structures. The application for a zoning certificate shall include a copy of the owner's manual, manufacturer's installation instructions, and such other information as may be necessary so as to ensure compliance with this resolution.
- B. Number per lot: There shall be no more than one (1) OWB on a lot.
- C. Minimum setback from a building, structure or use: An OWB shall be setback per manufacturer's specifications from any building, structure or use to which it is connected.
- D. Location and minimum yards (setbacks): An OWB shall be located on a lot per Section 401.1 and in accordance with the minimum yards for the zoning district in which it is located. Further, the OWB shall be placed on the lot in compliance with all manufacturer's recommendations including testing and listing requirements for clearance to combustible materials.
- E. Chimney height: The height of an OWB chimney and its installation shall be per manufacturer's specifications.

- F. 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 per manufacturer's specifications.
- G. Base: An OWB shall be installed on a concrete pad with a minimum thickness of four (4) inches or on such other materials per manufacturer's specifications.
- H. 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 regulations herein.
- I. 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.
- J. Discontinuance of use: An OWB shall be completely removed and the affected area on the lot shall be fully restored to its preconstruction condition within 180 days from voluntary permanent discontinuance of use.

END OF ARTICLE IV

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CONDITIONAL USES

Section

500.0 Conditional Zoning Certificate Required

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.

500.1 Contents of Application for a Conditional Zoning Certificate

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

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 township zoning inspector and shall include, at a minimum, the following information:

- A. The name, address, and telephone number of the applicant.
- B. The name, address and telephone number of the owner of record.
- C. The address of the lot, if different from the applicant's current address.
- D. The names and addresses of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the street from the subject lot).
- E. Documentation as to authority to make application (e.g. deed, power of

attorney, lease or purchase agreement).

- F. A legal description of the lot, as recorded with the Geauga County Recorder.
- G. The current zoning district in which the lot is located.
- A. A description of the existing use of the lot.
- B. A description of the proposed use of the lot.
- C. 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 (in feet) of existing buildings or structures on the lot, if any.
 - 3. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 - 4. The dimensions (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.
 - 6. The setback (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - 7. The height (in feet) of existing buildings or structures on the lot.
 - 8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - 9. The name and location of the existing road(s), public and private, adjacent to the lot.
 - 10. The number of dwelling units existing (if any) and proposed for the lot.

11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 14. The location and description of existing and proposed landscaping and buffer areas on the lot.
 15. Existing topography of the lot, at contour intervals not to exceed 2 feet, and a final grading plan.
 16. For Commercial and Industrial Uses: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full-cutoff fixtures.
 17. For Commercial and Industrial Uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
 18. The location and dimension of a fire protection pond and dry hydrant, if applicable.
- D. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
- E. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the site.
- F. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the storm water management and erosion control plans.
- G. The "General Standards for Conditional Uses" listed under section 505.0 may apply and may be required as part of the application.
- H. The application fee.

500.2

Transmittal of Application to Board of Zoning Appeals

Within seven (7) days after the receipt of a completed application for a conditional zoning certificate, the township zoning inspector shall transmit

said application to the secretary of the board of zoning appeals or to the chairman of the board of zoning appeals, if the secretary is unavailable.

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

501.1 Action by Board of Zoning Appeals

- A. Hearings and decisions before the board of zoning appeals shall be conducted in accordance with 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 R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R.C. Chapter 2506.

502.0 Issuance of 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.

503.0 General Conditions for Conditional Zoning Certificates

All conditional zoning certificates may 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.
- B. A conditional zoning certificate for any of the uses provided herein shall be valid for a period not to exceed 2 years from the date of issuance.

504.0 Revocation of Conditional Zoning Certificate

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

504.1 Procedure for Revocation of Conditional Zoning Certificate

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 his right to a hearing before the board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. 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 applicant and such notice shall be posted in a conspicuous place on the affected lot 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.

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 fire fighting, police, ambulance and other safety vehicles and will not interfere with traffic on adjacent thoroughfares.
- C. The size and number of proposed off-street parking spaces and loading/unloading spaces (if applicable) are adequate and are in accordance with the provisions of article 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 or future neighboring uses.
- G. The proposed use will be served adequately by essential public facilities including roads, police and fire protection, drainage structures, refuse disposal, water and sewage disposal facilities, and schools, or that the applicant shall be able to adequately provide such services. Proof of compliance with applicable codes and regulations pertaining to the protection of the public health and safety including fire, sanitary

sewage, water supply, erosion control, and storm water 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 person's 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.

END OF ARTICLE V

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ARTICLE VI**PARKING AND LOADING/UNLOADING SPACES**

Section

600.0 General Requirements for Parking and Loading/unloading Spaces for Commercial, Industrial uses.

- 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.
- 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.
- 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. 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, such as asphalt, concrete or gravel.
- F. The owner of the property used for parking and loading/unloading spaces shall maintain such areas in good condition without holes and free of all dust, trash, and other debris.
- 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 it is located.
- H. All parking lots with a capacity over 12 vehicles shall be striped or otherwise delineated between spaces to facilitate the movement into or out of parking spaces.

- I. All parking lots and loading/unloading spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and loading/unloading spaces from or into a public or private road shall be traveling in a forward motion. Access driveways for parking lots and loading/unloading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private road.
- J. All entrances and exits to a parking lot shall be clearly delineated by appropriate directional signage and/or pavement markings. Interior vehicular circulation patterns shall be delineated by appropriate directional signage and/or pavement markings and driveways and aisles for ingress and egress shall maintain the following minimum standards:
 1. For one way traffic the minimum width of driveways and aisles shall be 14 feet.
 2. For two way traffic the minimum width of driveways and aisles shall be 24 feet.
 3. Parking lots having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.
 4. There shall be no more than 2 points of ingress/egress per lot from a road to a parking lot and such points of ingress/egress shall be spaced a minimum of 96 feet apart, measured from the centerline of each driveway in a perpendicular fashion.
- K. Loading/unloading spaces shall be located to the side or rear of the building or structure they serve, and shall not be in front.
- L. An applicant for a Zoning Certificate may submit information which projects the parking demand for a proposed use and may request approval for construction of parking which is less than required by this Zoning Resolution. The request shall include a detailed drawing of a complete parking layout and identifying those areas proposed for immediate construction and those to be temporarily retained in landscaped open space. Such landbanked parking plans shall be referred to the Board of Zoning Appeals, which may approve a total parking layout which permits a portion of the required parking spaces to be reserved and temporarily retained in landscaped open space where the Board determines such arrangement to be appropriate. Prior

to approval of the plan, the applicant shall make a written commitment to construct the additional parking at such time as the Zoning Inspector determines that the landbanked parking is necessary for the operation of the use.

- 601.0 Number of Required Parking Spaces in all Zoning Districts.
In all zoning districts, the minimum number of parking spaces provided shall be in accordance with Table 601.0.

TABLE 601.0 REQUIRED PARKING SPACES	
USE	REQUIRED SPACES
Dwellings	Two (2) per dwelling unit
Elementary and Junior High Schools	One (1) for each two (2) staff members
Senior High Schools	One (1) for each two (2) staff members and other employees, plus one (1) for each twelve (12) seats in a classroom based on planned classroom capacity.
Day Care Centers	One (1) for each two (2) clients at maximum capacity
Places of Worship	One (1) for each four (4) seats
Community Centers	One (1) for each 150 square feet of gross floor area
Nursing Homes and Assisted Living Facilities	One (1) for each two (2) beds
Mortuaries and Funeral Homes	One (1) for each 100 square feet of gross floor area
Private Schools and Training Facilities	One (1) for each eight (8) seats based upon maximum seating capacity
Hospitals	One and one-half (1.5) for each bed
Medical Clinics and Ambulatory Care Facilities	One (1) for each 100 square feet of gross floor area
Medical Offices	One (1) for each 150 square feet of gross floor area
Offices	One (1) for each 250 square feet of gross floor area
Hotels and Motels	One and one-quarter (1.25) for each guest room
Banks and Financial Institutions	One (1) for each 200 square feet of floor area
Retail Stores	One (1) for each 200 square feet of floor area

TABLE 601.0 REQUIRED PARKING SPACES	
USE	REQUIRED SPACES
Restaurants	One (1) for each two (2) seats based on maximum seating capacity
Business Services	One (1) for each 250 square feet of floor area
Recreation and Entertainment Facilities	One (1) for each 250 square feet of floor area
Exercise/Athletic Facilities and Spas	One (1) for each 250 square feet of floor area
Veterinary Animal Hospitals / Clinics	One (1) for each 250 square feet of floor area
Light Manufacturing, Fabrication, and Assembly Operations	One (1) for each 400 square feet of floor area
Hardware, Building Supply, and Lumber Yards	One (1) for each 400 square feet of floor area
Research and Testing Facilities	One (1) for each 400 square feet of floor area
Wholesaling Operations	One (1) for each 400 square feet of floor area
Kennels, Animal Shelters, Pet Spas and Salons	One (1) for each 250 square feet of floor area
Gasoline Service Stations	One (1) for each 40 square feet of floor area plus one (1) per fueling station
Bed and Breakfast	One (1) per guest room
Governmental Offices	One (1) for each 300 square feet of floor area
Vehicle, Machinery and Equipment Repair and Service	One (1) for each 400 square feet of floor area
Contractor Shops	One (1) for each 400 square feet of floor area
Home Occupations	Four (4)
Printing, Publishing and Copy Services	One (1) for each 400 square feet of floor area
Warehousing and Storage	One (1) for each 400 square feet of floor area

602.0 Size of Parking Spaces

The width of a parking space shall be a minimum of 10 feet and the length shall be a minimum of 20 feet. The total area of a parking space shall be a minimum of 200 square feet.

603.0 Number of Loading/Unloading Spaces Required

- A. 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 8,000 square feet.
- B. One (1) additional loading/unloading space shall be provided for each 20,000 square feet of floor area above the minimum of 8,000 square feet.

604.0 Size of Loading/Unloading Spaces

The width of a loading/unloading space shall be a minimum of 12 feet and the length shall be a minimum of 75 feet. The total area of a loading/unloading space shall be a minimum of 900 square feet.

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

- A. The collective 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 or more.

606.0 Off-Street Loading/Unloading Space Requirements for Non-Residential Buildings

For any non-residential building or structure, off-street loading / unloading space shall be provided in such amount and manner that all

loading and unloading operations, including motor vehicles or conveyances that are waiting to be loaded or unloaded, will be conducted entirely within the applicable setbacks of the lot on which the buildings or structures are located. No motor vehicle or conveyance shall, in any manner, use public streets, sidewalks or rights-of-way for loading or unloading operations, other than for ingress or egress to or from the lot.

607.0 Driveways

- A. A driveway in the residential zoning district(s) shall be setback a minimum of 20 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 such as concrete, asphalt or gravel, and shall be a minimum of 10 feet in width, unless otherwise specified herein.
- B. Driveways in office, commercial and industrial zoning districts shall be setback a minimum of five (5) feet from any side and/or rear lot line which does not abut a residential zoning district, measured in a perpendicular fashion from the lot line to the edge of the driveway. Where adjacent to residentially zoned properties, driveways shall be setback in conformance with the Transition Buffer requirements as set forth in Section 403.7. Driveways in office, commercial and industrial districts shall be constructed of a durable all-weather surface such as concrete, asphalt or gravel and shall be in accordance with Section 600.0 (J) of this Resolution.
- C. If a driveway intersects a state, county, or township road a permit shall be secured from the appropriate governmental authority and a copy thereof provided to the zoning inspector as a part of an application for a zoning certificate.
- D. In any zoning district, a driveway shall be setback a minimum of 80 feet from a road intersection, measured in a perpendicular fashion from the edge of the road right-of way to the edge of the driveway.

608.0 Handicapped Parking

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

609.0 Off-Street Waiting Spaces For Drive-Thru Or Drive-In Facilities

Drive-thru or drive-in establishments and other establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street waiting spaces, on the same lot as the use, in addition to the required number of parking spaces specified in Section 601.0 and as otherwise provided in this Zoning Resolution. For the purpose of this provision, a waiting space shall be defined as that portion of a designated drive-thru lane which is of sufficient length to accommodate one (1) queued vehicle. At no time shall vehicles be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities. The minimum number of waiting spaces shall be provided for each use and structure as required below:

- A. Banks And Similar Facilities:
Four (4) waiting spaces for each window
- B. Drive-Up ATM Machines
Four (4) waiting spaces
- C. Self-Service Automobile Washing Facilities
Three (3) waiting spaces for each stall
- D. Automatic Car Wash Facilities
Six (6) waiting spaces for each entrance
- E. Gasoline Station
One (1) waiting space for every four (4) filling locations
- F. Automobile Service Stations That Provide Service To Customers Who Wait In The Vehicle While The Service Is Performed
Three (3) waiting spaces for each service bay

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700.0	Sign Definitions

A. Types of Signs

1. "Billboard or off-premises advertising" means an outdoor advertising device which advertises an activity, service or product located on a lot other than a lot at which such activity or service occurs or which product is sold or manufactured, or advertising device erected by a company or individual for the purpose of selling advertising messages for profit.
2. "Bulletin board" means an announcement sign which directs attention to the name of the business or establishment, the goods or commodities produced and/or sold, and/or the services rendered on the premises upon which such sign is located, and is so designed that characters, letters or illustrations can be changed or rearranged without altering the basic face or surface of the sign.
3. "Business or professional" means a sign which directs attention to the name of the business or establishment, the goods or commodities produced and/or sold, and/or the services rendered on the premises upon which such sign is located.
4. "Development" means a sign indicating the name of a subdivision or premises. Such sign may also display an address.
5. "Directory" means a sign on which the names and locations of occupants and/or use of the building is given.
6. "Governmental" means a sign located or erected by a political subdivision pursuant to law and serving an official function such as traffic control.
7. "Nameplate" means a sign indicating the name and/or address of the premises.
8. "Political" means a sign which indicates or reflects an opinion on a public issue or draws attention to a candidacy for public office. A political sign is a temporary sign as defined in this resolution.
9. "Real estate" means a sign directing attention to the promotion, development, rental, sale or lease of real property.

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

B. Designs of Signs

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

701.0 General Requirements for all Signs

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

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

2. No sign shall be installed, erected or attached in any form, shape, or manner to a fire escape or any door or window providing access to any fire escape or exit.
3. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.
4. No sign shall be placed or project within any public right-of-way except governmental signs.
5. Should any sign be or become unsafe, unsightly, obsolete, or be in danger of falling, the owner of the real property upon which the sign is located shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
6. 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 premises so as to cause glare or reflection that may constitute a traffic hazard, nuisance or distraction.

702.0 Prohibited Signs in All Districts

The following signs shall be prohibited in all zoning districts:

1. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official governmental signs and/or approaching or merging traffic.
2. Signs which 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 and freestanding signs.
5. Any sign not otherwise permitted in this article.

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.

704.0 Signs Permitted in All Districts Not Requiring a Zoning Certificate

- A. The following types and designs of signs may be located or erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in all zoning districts without a zoning certificate or fee but subject to the following limitations:
1. One (1) real estate sign per lot, dwelling unit or use with a maximum area of six (6) square feet per sign face which advertises the sale, lease or rental of the premises upon which such sign is located.
 2. One (1) real estate development sign per subdivision with a maximum area of twenty-four (24) square feet per sign face which advertises the sale of lots in the subdivision upon which such sign is located.
 3. One (1) nameplate sign per lot, dwelling unit, or use with a maximum area of three (3) square feet per sign face indicating the name and addresses of the owners or occupants of the premises.
 4. Directional (entrance and exit) signs on private property with a maximum area of two (2) square feet per sign face and containing only directional information.
 5. Temporary signs may be erected only with the permission of the owner of the premises and shall not be erected for more than forty-five (45) days. No temporary sign shall be posted or erected in any manner which is destructive to property upon erection or removal. No temporary sign shall be erected within a public right-of-way nor shall any such sign be posted on a utility pole.
 6. One (1) development sign per subdivision or premises with a maximum area of thirty-two (32) square feet per sign face. Such sign shall be maintained by the owner of the real property upon which the sign is located.
 7. Window signs not to exceed four (4) square feet.
- B. Any modification to the subject matter of a sign, provided that there is no structural or design alteration of said sign, may be permitted and no zoning certificate or fee is required.

705.0 Signs Permitted in the Residential Zoning District (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 residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:
1. Each residential dwelling may be permitted only one (1) of the following for home occupation or profession sign on the premises: wall or ground.
 - a. Wall signs shall have a maximum area of four (4) square feet.
 - b. Ground signs shall have a maximum area of four (4) square feet per sign face.
- B. Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:
1. Professional or home occupation signs
 2. Bulletin board signs
- C. No sign shall be illuminated by electricity, gas or other artificial light, including reflecting or phosphorescent light, in any residential zoning district.

706.0 Signs Permitted in the Industrial and Commercial 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 industrial and commercial zoning districts upon the issuance of a zoning certificate and subject to the following limitations:
1. Each commercial or industrial use may be permitted one (1) of the following signs on the premises: wall, projecting, ground or billboard sign.
 - a. Wall signs have a maximum area of 60 square feet.
 - b. Projecting signs shall have a maximum of 60 square feet per sign face and shall not extend more than one (1) foot measured from the face of the building to which such sign is attached.
 - c. Ground signs shall have a maximum area of twenty-five (25) square feet per sign.

2. One (1) or more groups of commercial or industrial uses within the same building or structure, or located on the same lot, may be permitted one (1) directory sign for all uses. Such signs shall have a maximum area of twenty-five (25) square feet per sign face.
3. Billboards or off-premises advertising signs:
 - a. The maximum area shall be 60 square feet per sign face.
 - b. The minimum setback from the front lot line shall be 50 feet.
 - c. The maximum height shall be 8 feet.
4. Freestanding Signs
 - a. Freestanding signs may be displayed and erected by a Burton Township business located in a Commercial Office or Industrial Office District, or a service organization or non-profit organization. There shall be no more than one (1) freestanding sign erected on a lot. The sign may be displayed for not more than thirty (30) days during any calendar year, and may not be larger than 4' x 6'.
 - b. A zoning permit shall be obtained from the Township Zoning Inspector for each use of the sign. Said permit shall indicate the number of days the sign shall be displayed. The permit is for the sign frame or message holder.

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 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.

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.

709.0 Maximum Height Requirements

- A. Projecting and wall signs shall not exceed the height of the wall face to which such signs are attached.
- B. Ground signs shall have a maximum height of eight (8) feet.

710.0 Minimum Yard Requirements

- A. Ground signs shall have a minimum setback of forty (40) feet from the road center line or side lot line.
- B. No part of any sign or supporting structure shall protrude into the minimum setback area.

END OF ARTICLE VII

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ARTICLE VIII
OIL AND GAS WELLS

DELETED ORIGINAL ARTICLE VIII
RESERVE ARTICLE FOR FUTURE USE

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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.

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.

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.

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.

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.

905.0 Reconstruction

- A. Should a nonconforming building or structure or nonconforming portion of a building or structure be 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.

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 or increased, nor extended to occupy a greater area of land that was occupied at the time of the effective date of this resolution or any amendment thereto without the grant of a variance by the board of zoning appeals.
- 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 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 may not thereafter be resumed.

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.

908.0 Nonconforming Lot of Record

- A. In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area or lot width less than the minimum prescribed herein, which meets all of the following:
 - 1. It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in it nonconformity.
 - 2. 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.
 - 3. The amount of nonconformity has not been increased since it became nonconforming.
 - 4. It complies with all other regulations set forth herein, except minimum lot area and minimum lot width.

END OF ARTICLE IX

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ARTICLE X**ADMINISTRATION**

Section

1000.0 Township Zoning Inspector

1000.1 Position of Township Zoning Inspector Established

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

The board of township trustees shall fill the position of township zoning inspector, together with such assistants as the board from time to time deems necessary, fix the compensation for such positions, and make disbursements for them.

1000.2 Zoning Inspector's Bond

The township zoning inspector, before entering upon the duties of his/her office, shall give bond in accordance with the O.R.C.

1000.3 Duties of Township Zoning Inspector

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

- 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 sections 1100.3 and 1100.4.
- 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 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 zoning inspector. All such records and documents shall be indexed by name, address and date and kept in an orderly fashion and shall be open to public inspection. Copies of any of these records and documents shall be provided to any member of the public upon payment of a copying fee as established by the board of township trustees. None of the records or documents so kept shall be destroyed except upon compliance with O.R.C. 149.42.
- 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. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the township 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. 117.17.
- M. Review proposed preliminary major subdivision plats 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 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.

1001.0 Township Zoning Commission

1001.1 Township Zoning Commission Created

The board of township trustees has created and established a township zoning commission in accordance with the O.R.C.

- A. ZONING COMMISSION –The Township Trustees shall appoint five (5) residents of the township to be regular members of the Zoning Commission. The term of the regular members shall be so arranged that the term of one member shall expire on December 31 of every year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission may be removed for nonperformance of duty, or misconduct in office, upon written charges has been filed with the Township Trustees, and after a copy of the charges has been served by registered mail. The member shall be given an opportunity to be heard and answer such charges, and after a public hearing has been held regarding such charges. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term.
- B. After review and recommendation of candidates by the standing Zoning Commission Members, the Township Board of Trustees may at their discretion appoint two (2) additional residents of the Township to serve as alternate members to be established by the Board of Trustees. The two (2) alternate members shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the Zoning Commission. When filling vacancies created by an absent regular member, the alternate member shall be subject to all responsibilities and privileges of a regular member under the by-laws of the Zoning Commission. Alternate members of the Zoning Commission are expected to attend all meetings of the Zoning Commission even when they are not filling a vacancy. At such times their status as an active or inactive alternate member shall be announced at the start of meeting to all attending.
- C. The terms of the alternate members shall be staggered and so arranged that the term of one member shall expire on December 31 of every year. Each alternate shall serve until his successor is appointed and qualified unless the position of the alternate is abolished by the Township Board of Trustees. The position of alternate member may be abolished at any time at the pleasure and discretion of the Township Board of Trustees. An alternate member shall be removed for nonperformance of duty, or misconduct in office, by the Township Board of Trustees upon the same procedure as is applicable to regular

members of the Zoning Commission. If alternate positions are abolished current alternate appointees shall fulfill their term.

1001.2 Recommendations of Township Zoning Commission; Organization, Powers and compensation of Commission.

- A. The zoning commission may, within the limits of the moneys appropriated by the board of township trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary. The zoning commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the zoning commission may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide. No township trustee shall be employed by the zoning commission of his/her township.
- B. The zoning commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the zoning commission.
- C. The zoning commission may initiate and/or review proposed amendments to this resolution and make recommendations on same to the board of township trustees as specified in Article XII.

1002.0 Township Board of Zoning Appeals

1002.1 Township Board of Zoning Appeals Created

- A. Pursuant to O.R.C. 519.13, the board of township trustees shall appoint a township board of zoning appeals for said township, composed of five (5) members who shall be residents of the unincorporated territory in the township included in the area zoned.
- B. The terms of all members of said board of zoning appeals, shall be of such length and so arranged that the term of one (1) member will expire each year.
- C. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide.

- D. BOARD OF ZONING APPEALS –Members of the Board of Zoning Appeals may be removed for nonperformance of duty, or misconduct in office, upon written charges being filed with the Township Trustees, and after a copy of the charges has been served by registered mail. The member shall be given an opportunity to be heard and answer such charges, and after a public hearing has been held regarding such charges. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term.
- E. After review and recommendation of candidates by the standing Zoning Board of Appeals Members, the Township Board of Trustees may at their discretion appoint two (2) additional residents of the Township to serve as alternate members in accordance with the policies and terms to be established by the Board of Trustees. The two (2) alternate members shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the Board of Zoning Appeals. When filling vacancies created by an absent regular member, the alternate member shall be subject to all responsibilities and privileges of a regular member under the by-laws of the Board of Zoning Appeals. Alternate members of the Board of Zoning Appeals, even when they are not filling a vacancy, are expected to attend all meetings of the Board of Zoning Appeals. At such times their status as an active or inactive alternate member shall be announced at the start of the meeting to all attending.
- F. The terms of the alternate members shall be staggered and so arranged that the term of one member shall expire on December 31 of every year. Each alternate shall serve until his successor is appointed and qualified unless the position of the alternate is abolished by the Township Board of Trustees. The position of alternate member may be abolished at any time at the pleasure and discretion of the Township Board of Trustees. An alternate member shall be removed for nonperformance of duty, or misconduct in office, by the Township Board of Trustees upon the same procedure as is applicable to regular members of the Board of Zoning Appeals. If alternate positions are abolished, current alternate appointee shall fulfill their term.
- G. The board of zoning appeals may, within the limits of the moneys appropriated by the board of township trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

1002.2 Powers of 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 O.R.C. 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 in accordance with this resolution.
- D. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The township board of zoning appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under this section and of his right to a hearing before the township board of zoning appeals, within thirty (30) days of the mailing of this notice, if he so requests. If the holder requests a hearing, the township board of zoning appeals shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the township board of zoning appeals may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

- E. Revoke an authorized conditional zoning certificate in accordance with sections 504.0 and 504.1 of this resolution.

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

1002.3 Rules, Organization, and Meetings of Board of Zoning Appeals

- A. The township board of zoning appeals shall organize and adopt rules in accordance with this zoning resolution. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board of zoning appeals determines. The chairman, or in his/her absence the acting chairman, may administer oaths, and the board of zoning appeals may compel the attendance of witnesses. All meetings of the board of zoning appeals shall be open to the public. The board of zoning appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of township trustees and be a public record.
- B. The attendance of three (3) members of the board of zoning appeals is required for a quorum.

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.

1002.4 Procedures of Board of Zoning Appeals

- A. Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the zoning inspector. Such appeal shall be taken within twenty (20) days after the decision of the zoning inspector by filing, with the zoning inspector and with the board of zoning appeals, a notice of appeal specifying the grounds of appeal. The zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- B. Written notices of appeal shall be made on forms provided by the township zoning inspector and 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 township zoning inspector and the board of zoning appeals and shall include, at a minimum, the following information:

1. The name, address and telephone number of the appellant.
2. The name, address and telephone number of the owner of record.
3. The address of the lot, if different from the appellant's current address.
4. The names and addresses of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the street from the subject lot).
5. Documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease or purchase agreement).
6. A legal description of the property, as recorded with the Geauga County Recorder.
7. The current zoning district in which the property 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 or structures 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.
 - f. The setback (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - g. The height (in feet) of existing buildings or structures on the lot.

- h. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
- i. The name and location of the existing road(s), public and private, adjacent to the lot.
- j. The number of dwelling units existing (if any) and proposed for the lot.
- k. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
- l. For commercial and industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
- m. The location and dimensions (in feet) of any existing or proposed easements on the lot.
- n. The location and description of existing and proposed landscaping and buffer areas on the lot.
- o. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
- p. For commercial and industrial uses: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
- q. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
- r. 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 content of the sign.
 - 7. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo).

13. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his authorized representative relative to the alleged error made by the zoning inspector in his determination of the application for the zoning certificate.
14. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
15. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
16. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the storm water management and erosion control plan.
17. 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 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 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 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.
- 18. The appeal fee shall be provided with the notice of appeal.
- 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 by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Notice of any continued public hearing shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.

- 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 clerk 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 two (2) days of the signing of the written decision, to the township zoning inspector and the appellant.
5. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in O.R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to O.R.C. Chapter 2506.

1002.5 Supplementary Conditions on Variances

The board of zoning appeals, in deciding any appeal for a variance, may provide such supplementary conditions which are reasonably related to the requested variance and are not in conflict with this resolution and which the board deems necessary to protect the public health, safety, and 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.

END OF ARTICLE X

INTENTIONALLY

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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;
 - 4. To have narrower or smaller front yards, side yards, rear yards, or other open space 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.

1100.1 Contents of Application for a Zoning Certificate

Written application for a zoning certificate shall be made on forms provided by the township zoning inspector and shall be signed and dated by the owner, the applicant, or his authorized representative

attesting to the truth and accuracy of all information supplied in the application.

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 township zoning inspector and shall include, at a minimum, the following information:

- A. The name, address and telephone number of the applicant.
- B. The name, address and telephone number of the owner of record.
- C. The address, of the lot, if different from the applicant's current address.
- D. Documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement).
- E. A legal description of 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 (in feet) of existing buildings or structures on the lot, if any.
 3. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.

4. The dimensions (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.
6. The setback (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
7. The height (in feet) of existing buildings or structures on the lot.
8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
9. The name and location of the existing road(s), public and private, adjacent to the lot.
10. The number of dwelling units existing (if any) and proposed for the lot.
11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
14. The location and description of existing and proposed landscaping and buffer areas on the lot.
15. Existing topography of the lot, at contour intervals not to exceed 2 feet and a final grading plan.
16. For Commercial and Industrial Uses: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full-cutoff fixtures.

17. For Commercial and Industrial Uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.

18. The location and dimension 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 elements of the matter displayed (eg. logo).

K. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.

L. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the site.

M. Provide a copy of the approval letter of permit, as applicable, from the Geauga Soil and Water Conservation District concerning the storm water management and erosion control plans.

N. The application fee.

1100.2

A Statement of Exemption for Agricultural Use shall contain the following information:

A. The name, signature, address and telephone number of the applicant or owner.

- B. The address of the lot, if different from the applicant's current address.
- C. A description of the proposed use of the lot.
- D. No fee is required.

1100.3 Action by Township Zoning Inspector on Application for Zoning Certificate

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

In case of disapproval of an application, the applicant shall be informed of such disapproval in writing by the township zoning inspector. The zoning regulation(s) violated shall be cited, as well as the applicant's right to appeal to the township board of zoning appeals in accordance with article X of this resolution.

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

1100.4 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 township zoning inspector by the director of transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the zoning inspector shall give notice, by registered or certified mail to the director of transportation.

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

1100.5 Revocation of Zoning Certificate

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

- A. The zoning certificate has been issued in error by the zoning inspector.
- B. The zoning certificate was issued based upon a false statement by the applicant.
- C. 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 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 lot as described in the zoning certificate. Such notice shall set forth the reason(s) for the revocation of the zoning certificate as well as the applicant's right to appeal to the township board of zoning appeals in accordance with article 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.

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.

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.

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 township zoning inspector, or any adjacent or neighboring lot 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.

1104.0 Zoning Compliance Certificates Required

- A. A Zoning Compliance Certificate issued by the Zoning Inspector shall be required prior to the occupancy of any building or commencement of any use.
- B. Applications for Zoning Compliance Certificates shall be made to the Zoning Inspector on forms provided.
- C. No Zoning Compliance Certificate shall be issued unless:
 - 1. The Zoning Inspector determines that proposed use complies with the provisions of this Zoning Resolution;
 - 2. The proposed use conforms with the Zoning Certificate issued by the Zoning Inspector; and
 - 3. All building and site work, including landscaping, has been completed in accordance with the approved plans.

1104.1 Temporary Zoning Compliance Certificates

- A. Where a developer, owner, and/or tenant wishes to occupy any building and/or commence any use prior to completion of all of the site work and landscaping, a financial guarantee such as a performance bond, will be required, covering the uncompleted work (grading, paving, site utilities, landscaping, etc.). The performance bond shall be secured in an amount equal to the sum of all the estimates for all the unfinished trades. Estimates will be prepared by bona fide contractors and be certified valid for a period of one (1) year from the date of delivery to the Township. The bond shall be in cash or as a guarantee in a form acceptable to the Township Trustees and deposited with the Township Fiscal Officer. Upon receipt of an acceptable financial guarantee for completion of the remaining work, the Zoning Inspector may issue a Temporary Zoning Compliance Certificate.
- B. Each Temporary Zoning Compliance Certificate shall contain a final completion date by which all required improvements must be completed and approved. Failure to complete required improvements and to obtain a final Zoning Compliance Certificate by the date specified in the Temporary Zoning Compliance Certificate shall constitute a violation of this Zoning Resolution and shall be grounds for revocation of the Temporary Zoning Compliance Certificate and such other sanctions as are set forth herein.

END OF ARTICLE XI

ARTICLE XII
AMENDMENTS

Section

1200.0 Procedure for Amendments to Zoning Resolution

The procedure for amendments to the zoning resolution shall be in accordance with Ohio Revised Code Section 519.12.

1201.0 Contents of application for a Zoning Amendment

Application forms for amendments to the zoning resolution shall be provided by the township zoning commission or its secretary. All applications shall contain the following language:

The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

Such application shall include the following information:

- A. The name, address and telephone number of the applicant.
- B. The address of the lot, if different from the applicant's current address.
- C. Describe the present use of the lot.
- D. Describe the present zoning classification of the lot.
- E. The text of the proposed amendment.
- F. The proposed zoning district, if applicable.
- G. A legal description of the lot subject of the proposed amendment. If the applicant does not have title to the lot, attach a copy of a power of attorney, lease, or purchase agreement as well.
- H. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the lot.
- I. 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. A statement relative to the reason(s) for the proposed amendment and how it related 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 facilities.
- L. A list of the addresses from the county auditor's current tax list of all owners of lots within and contiguous and directly across the street 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.

1202.0 Submission to 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 township zoning inspector by the director of transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the 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 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 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 lot owner, the board of township trustees shall proceed as required by the Ohio revised Code.

END OF ARTICLE XII

ARTICLE XIII**WIRELESS TELECOMMUNICATIONS TOWER AND FACILITIES**

Section

1300.0

Purpose

- A. It is the purpose of this Section of the Burton Zoning Resolution to regulate wireless telecommunications antennas, towers, and facilities in order to promote public health, safety, and morals in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary.
1. To protect residential districts and land uses from potential adverse impacts of wireless telecommunications towers, antennas and facilities.
 2. To 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. To 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. To consider the public health and safety issues surrounding wireless telecommunications towers and appurtenances.
 5. To protect adjacent properties from potential damage from wireless telecommunications tower failure through proper engineering and careful siting of such structures.
 6. To 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

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 telecommunications 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 M (5).
- C. A wireless telecommunications tower and appurtenant facilities may be permitted in the I-C zoning district(s).
- D. A wireless telecommunications tower and appurtenant facilities shall be subject to all conditions in Section 1302.0.

1302.0 Conditional Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged in any residential district used for lawfully existing nonresidential purposes including public safety departments; schools, churches; parks; or federal, state, county, or township buildings, structures, or uses 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 eight (8) feet in height shall fully enclose the base of the wireless telecommunications tower, the equipment building~ and appurtenant facilities. Gates shall be locked at all times.
- D. Evergreen trees or shrubbery not less than eight (8) feet in height shall be planted along the exterior perimeter of the security fence so as to screen it from view. Existing vegetation of 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 type of antennas it can accommodate; shall demonstrate compliance with the ANSIIEIA 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 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 shall 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. One (1) emergency sign, the maximum size of which shall be four (4) square feet, shall be posted on the site as well as an emergency telephone number. The applicant shall also provide the fire department, the county sheriffs department, and county emergency management agency with information on who to contact, an address and a telephone number in the event of an emergency. No other signs shall be posted on the site.
- J. A wireless telecommunications tower, equipment shelter, and appurtenances shall not be artificially lighted except to assure safety as 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 minimum of ten (10) feet in width and shall be setback a minimum of ten (10) feet from the nearest side or rear lot one. There shall be a minimum of one (1) off-street parking space 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 Sections 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 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 collocations, which is owned or controlled by the applicant on reasonable reciprocal terms and the offer was not accepted.

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 structure 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 two (2) additional antenna platforms of equal loading capacity for two (2) 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 the showing of technological non-feasibility 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 periods, for ordinary maintenance, or in times of a power outage.
- R. The minimum distance between wireless telecommunications towers and facilities shall be 2,500 feet.
- S. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances is discontinued for 60 consecutive days, said facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within 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 be at all times be kept in good repair. The board of zoning appeals shall require a cash or surety bond to be renewed every five (5) years and not less than \$100.00 per vertical foot from natural grade as part of a conditional zoning certificate to ensure such conditions, including but not limited to the removal of the tower, are met.
- 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, appurtenances shall not exceed one hundred fifty (150) feet above ground level.
 2. There shall be no more than one (1) 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 the same.
- V. Free-standing wireless telecommunications towers, antennas, and appurtenances.
1. The maximum height of a free-standing monopole wireless telecommunications tower, including antenna(s) and appurtenances shall not exceed 150 feet.
 2. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances shall be 50% of the height of the tower within any zoning district.
 3. The maximum size of an equipment shelter accessory to a free-standing monopole wireless telecommunications tower shall be 400 square feet. The maximum height of an equipment shelter shall be 12 feet. Within a residential zone, an equipment shelter shall be completely located below the natural grade of the ground. There shall be no more than one (1) equipment shelter(s) located on a lot in conjunction with wireless telecommunications tower or antenna(s). An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and

county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.

4. A free-standing monopole wireless telecommunications tower shall be designed to support the collocation of at least three (3) antenna, platforms of equal loading capacity.
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.

1303.0 Prohibited Areas

Except as noted in Sections 1301.0 and 1302.0, wireless telecommunication towers and facilities are prohibited in residential districts and no zoning certificate shall be issued therefor.

1304.0 Fees

In addition to general application fees for a zoning certificate, the applicant for a wireless telecommunications tower and appurtenance 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 for the in this section of the zoning resolution.

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 structure 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 R.C. 519.211 (B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- B. In the event a wireless telecommunications tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the regulations set

forth herein do not apply when the proposed location of the tower facility is in a non-residentially 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 telecommunications 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 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 the regulation;
8. Whether the applicant possess 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 inspector shall do so in writing and state the reasons there for. 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 the 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 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 street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
 - 1) The public utility 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 provision 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 received 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 clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the regulations of this zoning resolution. The notice shall be sent no later than five (5) days after the earlier of the date the board of trustees first receives such 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.

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 storm water runoff shall be submitted.

END OF ARTICLE XIII