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Amended 12/19/19

ARTICLE I

GENERAL PROVISIONS

Section

100.00 Title

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

101.00 Jurisdiction

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

102.00 Purpose of Zoning Resolution (Added 12/16/2010)

Except as otherwise provided in this section, the board of township trustees has enacted this resolution in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare, and the board may in accordance with a comprehensive plan regulate by resolution 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, and for all these purposes, the board may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. 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 district or zone may differ from those in other districts or zones.

For any activities permitted and regulated under Chapter 1509., 1513., or 1514. of the Revised Code and any related processing activities, the board of township trustees may regulate under the authority conferred by this section only in the interest of public health or safety. Additional purposes of this resolution are:

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

- E. To regulate the use of buildings and structures in each zoning district and to ensure that appropriate utilities, sewage treatment and water supply 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.

103.00 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.

104.00 Powers Not Conferred by Chapter 519 of the Ohio Revised Code of this Resolution

- A. This resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.
- 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. 519.1211 (B) and Section 1704.00 of this Resolution, the provisions of this Resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunication facility. **(Amended 8/15/1997)**
- 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 the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own place.

- E. 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 (50) percent 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.
- 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. **(Added 6/15/17)**

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

The board of township trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, conditional zoning certificates, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the zoning inspector and township fiscal officer, and may be altered or amended only by resolution of the board of township trustees. **(Amended 6/15/17)**

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

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

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

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

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

“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.

107.00 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.

108.00 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 prevail.

109.00 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.

110.00 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.

111.00 Effect of Amendment

The amendment of this resolution does not:

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

112.00 Annexed Territory

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

113.00 Severability

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.

**ARTICLE II
DEFINITIONS**

Section

200.00 General

201.00 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.

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

“Accessory Use or Structure” - A use or structure incidental and subordinate to the principal use or structure on the lot and serving a purpose customarily incidental and subordinate to the use of the principal building.

“Active Public Recreational Park” – means a facility whose objective is to provide recreational opportunities to the general population within a park-like atmosphere to:

- 1. Promote certain healthy and beneficial outdoor leisure time activities for the general population which do not present a significant risk of harm to others.
- 2. Afford reasonable access by the public to outdoor athletic, social, and educational activities.
- 3. Achieve a balance between the public’s need for active outdoor recreational facilities and the preservation of open space, light, and air for the enjoyment of such activities. **(Added 1/25/2008-entire definition)**

“Adult Family Home” – Adult Family Home means a residence or facility that provides accommodations for three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of those adults. **(Added 11/6/2009)**

“Adult Group Home” – Adult Group Home means a residence or facility that provides accommodations for six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of those adults. **(Added 11/6/2009)**

“Agriculture” - Agriculture as defined by Section 519.01 of the Ohio Revised Code. **(Amended 8/4/2000)**

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

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

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

“Bed and Breakfast” - Bed and Breakfast means an owner operated, single-family residential dwelling in which rooms are rented to paying guests on an overnight bases and breakfast only is provided: the entire service to be included in one stated price. **(Added 2/2/1998)**

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

“Building Line” - Building Line see setback line.

“Building, Principal” - Building, Principal means a building within which the main or primary permitted use is conducted on a lot.

“Church” – Church means a building used for public worship and may include temples, cathedrals, synagogues, mosques, chapels, and congregations. **(Added 12/16/2010)**

“Conditional Use” - Conditional Use means a use within a zoning district requiring approval by the township board zoning of appeals and the issuance of a conditional zoning certificate. These uses are permitted only after the applicant has followed the procedures outlined in Article VIII.

“Conditional Zoning Certificate” - Conditional Zoning Certificate is a permit authorized by the board of zoning appeals to allow certain specific developments that would not otherwise be allowed in a particular zoning district. These permits are issued only after the applicant has followed the procedures as stated in Article VIII of this resolution.

“County” - County means Geauga County, Ohio.

“Cul-De-Sac” - 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” – Deck means a structure with or without a roof that is attached to a building or is freestanding and is supported by posts. **(Added 12/16/2010)**

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

“Detention Pond” - Detention Pond means a dry pond. Runoff enters an area of detention faster than it leaves. A detention pond can be designed with or without a permanent pool of water. **(Added 9/20/2002)**

“District” - 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. **(Added 11/6/2009)**

“Drug Paraphernalia” - Drug Paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, enhancing the effect of, or otherwise introducing into the human body a controlled substance as defined in Chapter 3719 of the Ohio Revised Code.

“Drug Paraphernalia Establishment” - Drug Paraphernalia Establishment means any place, whether or not operated as a business, within a building, structure or dwelling, or any part thereof, of any parcel located within the township where drug paraphernalia, as defined by this article, is manufactured, distributed, or offered for sale. Drug paraphernalia establishments do not include manufacturers, practitioners, pharmacists, owners of pharmacies, or other persons who conduct a business or profession in accordance with Chapter 3719, 4715, 4731, and 4741 of the Ohio Revised Code.

“Dry Hydrant” - 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 the fire fighting equipment. **(Added 9/20/2002)**

“Dwelling” - 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” - Dwelling, Single Family means a dwelling consisting of one (1) detached dwelling unit with a single electric service to be occupied by one (1) family only. **(Amended 6/2/2006)**

“Dwelling Unit” – Dwelling Unit means a space within a building comprised of a group of rooms or spaces for living, dining and sleeping and attendant cooking, bathing and toilet facilities, which are arranged, maintained or designed all to be used by only one (1) family for residential occupancy. **(Added 6/2/2006)**

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

“Easement” – 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. **(Added 12/16/2010)**

“Economically Significant Wind Farm” – Economically Significant Wind Farm means wind turbines and associated facilities, whether publicly or privately owned, on a lot with a single interconnection to the electrical grid and designed for, or capable of five (5) megawatts, or more. See Article I, Section 104.00(F). **(Added 6/15/17)**

“Exterior Display or Sales Area” - 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. **(Added 12/19/2003)**

“Exterior Lighting” - Exterior lighting means the method or equipment used to provide artificial illumination on a premises. **(Added 12/19/2003)**

“Exterior Storage Area” - Exterior storage area means an open area on a lot used for parking or storage of equipment, materials, machinery or vehicles in connection with the principal building, structure, or use on the same lot for a period of 24 hours or more. **(Added 12/19/2003)**

“Family” - Family means one (1) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority, association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses. **(Amended 6/2/2006)**

“Farm Market” - Farm Market means a building from which only produce raised on farms is sold.

“Fence” – 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. **(Added 12/16/2010)**

“Finished Grade Level” - Finished Grade Level means the elevation of the finished grade of the ground adjacent to a building or structure.

“Fire Protection Pond” - Fire Protection Pond means a pond of at least 5000 square feet and a depth of at least 6 feet at the center and containing an optimum availability of 125,000 gallons of usable water constructed on a lot in accordance with Section 502.00, R-1 Residential District and 602.00, R-2 Residential District. **(Added 9/20/2002)**

“Floor Area” - 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.

“Freestanding Solar Panel” – Freestanding Solar Panel means a solar panel or an array of solar panels that is not attached to a building and is mounted on a structure attached to the ground. See Article XVI, Section 1600.01(A). **(Added 6/15/17)**

“Full Cutoff” - Full Cutoff means a light distribution where no light is permitted at or above a horizontal plane located at the bottom of a light fixture. There will be little or no light at the angles that are usually associated with glare. **(Added 12/19/2003)**

“Garage” - Garage means a building designed and used for the storage of motor vehicles.

“Glare” – 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. **(Added 12/16/2010)**

“Glare, direct” – Glare, direct means the glare resulting from the human eye being able to see the light-emitting portion of a light fixture. **(Added 12/16/2010)**

“Home Occupation” - Home Occupation means an occupation for remuneration which is conducted wholly within a dwelling unit by members of the family residing therein. Use of the dwelling for a home occupation shall be incidental to its primary use for residential purposes. **(Amended 6/2/2006)**

“Hospice Care Program” Hospice Care Program means a coordinated program of home, outpatient, and inpatient care and services licensed pursuant to Ohio Revised Code Section 3712.04 that is operated by a person or public agency and that provides the following care and services to hospice patients, including services as indicated below to hospice patients’ families, through a medically directed interdisciplinary team, under interdisciplinary plans of care established pursuant to section 3712.06 of the Ohio Revised Code, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement:

- (1) Nursing care by or under the supervision of a registered nurse;
- (2) Physical, occupational, or speech or language therapy, unless waived by the department of health pursuant to rules adopted under division (A) of section 3712.03 of the Revised Code;
- (3) Medical social services by a social worker under the direction of a physician;
- (4) Services of a home health aide;
- (5) Medical supplies, including drugs and biologicals, and the use of medical appliances;
- (6) Physician's services;
- (7) Short-term inpatient care, including both palliative and respite care and procedures;
- (8) Counseling for hospice patients and hospice patients' families;
- (9) Services of volunteers under the direction of the provider of the hospice care program;
- (10) Bereavement services for hospice patients' families.

(Added 11/6/2009-entire definition)

“Hospital” - 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” - Hospital, Veterinary means a building containing accommodations for the diagnosis and treatment of animals by licensed veterinarians and staff.

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

“Impervious Surface” - Impervious Surface means any surfaces or materials which prevent or inhibit percolation of storm water runoff into the ground including, but not limited to, roofing, concrete, cement, asphalt, wood, metal, plastic, compacted soil, and aggregates. **(Added 12/19/2003)**

“Industrialized Unit” - Industrialized Unit means a structure as defined in Ohio Revised Code 3701.10 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).

“Junk” - Junk means an accumulation of old or scrap copper, aluminum, tires, brass, rope, rags, trash, wastes, batteries, paper, rubber, dismantled or wrecked motor vehicles, equipment, machinery, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.

“Junk Vehicle” - Junk vehicle means a motor vehicle that meets all of the following criteria: (1) three model years old, or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission. **(Added 11/6/2009)**

“Junk Yard” - Junk Yard means any land, property, structure, building, or combination of the

same, on which junk or junk motor vehicles are stored, processed, or bought or sold.

“Kennel” - Kennel means any building, structure or land where more than four (4) animals over six (6) months of age are boarded, cared for, trained, bred, or kept for remuneration.

“Lattice Tower” – Lattice Tower means a framework or structure of crossed metal strips typically resting on three (3) or more members constructed vertically. See Article XVI, Section 1601.01(A). **(Added 6/15/17)**

“Loading / Unloading Space” - Loading / Unloading Space means space provided for pick-ups and deliveries for commercial use.

“Lot” - Lot means a parcel of land which shall be a lot of record.

- A. Corner Lot - A lot located at the intersection of two (2) or more roads.
- B. Lot Coverage - The percentage of the total lot area that is occupied by the total horizontal area of all buildings, structures, and parking area on a lot.
- C. Lot Depth - 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.
- D. Lot Width - A horizontal distance between the side lot lines of a lot measured at the building set back line.
- E. Lot, Minimum Area - 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. **(Amended 8/4/2000)**
- F. Lot, Multiple Frontage - 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.
- G. Lot, Line - The boundary of a lot which separates it from adjoining lots of record; public land; private land; common public, or private open space; and the right-of-way line of public or private roads.
- H. Front Lot Line - The boundary of a lot which abuts the public right-of-way line of a public or private road. In the case of a corner lot or a multiple frontage lot, the front lot line shall be designated by the lot owner.
- I. Rear Lot Line - 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.
- J. Side Lot Line - Any boundary of a lot which is not a front lot line nor a rear lot line.
- K. Lot of Record - A parcel of land listed as a separate unit on the county auditor’s tax list, and either as a separate lot on a subdivision plat recorded in the office of the county recorder or

as a separate lot described by metes and bounds on a deed or instrument of conveyance recorded in the office of the county recorder.

- L. Non-conforming Lot - A lot, the area, width or other characteristics of which fail to meet the requirements of the district in which located, but which was of record prior to enactment of a zoning resolution, or was in conformance and of record prior to an amendment thereto.
- M. Rear, back, or flag lot – means a lot which is located to the rear of another parcel of land and shall be connected to a public road by one (1) fee simple access strip which is a part of said lot. **(Added 11/6/2009)**

“Manufactured Home” - Manufactured Home means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. **(Amended 9/20/2002)**

“Memorial Parks” - Memorial Parks, cemeteries, and graveyards shall be defined as a burial place for human beings.

“Mobile Home” - Mobile Home means a structure or non-self-propelled vehicle, transportable in one or more sections, which is built on a chassis or is designed to be built on a chassis, 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, 42 U.S.C. 5401, as amended. A “mobile home” does not mean an “industrialized unit”, “manufactured home”, or “recreational vehicle” as defined herein. A structure or non-self-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” – Monopole means a single, slender and typically cylindrical, vertical structure. See Article XVI, Section 1601.01(B). **(Added 6/15/17)**

“Non-Conforming Building or Structure” - Non-Conforming Building or Structure is a building or structure lawfully existing at the time of enactment of this resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this resolution.

“Non-Conforming Use” - Non-Conforming Use is a use of land lawfully existing at the time of enactment of this resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this resolution.

“Nursing Home” - Nursing Home means a home 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” - Open Space means a totally unobstructed area on a lot that does not have any

permanent or temporary buildings, structures, or parking lots.

“Parking Lot” - Parking Lot means an off-street area, including driveways and aisles, designed for parking of vehicles.

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

“Patio” – Patio means a structure with a level, surfaced area consisting of concrete, pavers, stone or gravel with or without walls or a roof that is attached or is directly adjacent to a building. **(Added 12/16/2010)**

“Permanent Foundation” - Permanent Foundation means a footer or foundation consisting of masonry, concrete or such other materials approved by the local building authority in accordance with the applicable building code to which a building or structure shall be affixed. **(Amended 9/20/2002)**

“Ponds” - **(Deleted 3/17/1995)**

“Principal Use” - Principal Use means the main use to which the premises are devoted and the main purpose for which the premises exist.

“Private Road or Street” - Private Road or Street means a road that is not a public road or street. **(Amended 12/16/2010)**

“Produce” - Produce means fresh fruit and vegetables, eggs, grains, herbs, honey, maple syrup, and milk.

“Public Road or Street” - Public Road or Street means a state, county, or township road as defined in O.R.C. Section 5535.01.

“Recreational Vehicle” - 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.

“Residential Recreational Courts” – means an accessory structure within a residential zoning district for tennis, basketball, volleyball, shuffleboard or similar activities including any combination thereof and used or intended to be used solely by the members of the residence and their guests for recreational purposes without payment of any fee. **(Added 5/17/2007)**

“Retention Pond” - Retention Pond means a conventional wet pond that has a permanent pool of water and may or may not have the capacity of detention or peak-flow storage. **(Added 9/20/2002)**

“Right-of-Way” - Right-of-Way means all land included within an area dedicated to public use as a road or street, or land recorded as an easement for private use as a road or street, for ingress and egress. **(Amended 12/16/2010)**

“Roof Mounted Solar Panel” – Roof Mounted Solar Panel means a solar panel or an array of solar panels attached to the roof of a principal or accessory building. See Article XVI, Section 1600.01(B). **(Added 6/15/17)**

“School” - 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. **(Amended 12/16/2010)**

“Seat” - Seat is for the purpose of determining the number of off-street parking spaces for certain uses. The number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

“Self-Service Storage Facility” - “Self-service storage facility” means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

1. The occupants have access to the storage space only for the purpose of storing and removing personal property;
2. The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in division (O) of section 1301.01 of the Ohio Revised Code, for the personal property stored in the storage space.
3. The property has fifty or more individual storage spaces. **(Added 12/19/2003)**

“Service Station” - Service Station means buildings and premises where fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries, and distributors parts.
- B. Tire servicing and repair, but not recapping or regrooving.
- C. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
- D. Radiator cleaning and flushing.
- E. Washing, polishing, and sale of washing and polishing materials.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps, and lines.
- H. Minor servicing and repair of carburetors.
- I. Adjusting and repairing brakes.
- J. Minor motor adjustment not involving removal of the head or crankcase.

- K. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
- L. Provision of road maps and other informational material to customers; and the provision of restroom facilities.
- M. Warranty maintenance and safety inspections.
(Amended 12/19/2003)

“Setback Line” - Setback Line means a line parallel to and measured from the front lot line and defines the area in which no building or structure shall be located.

- A. Front Setback Line - An imaginary line parallel to the front lot line extending the full width of the lot, representing the minimum distance which all or any part of any structure or building is to be set back from the front lot line.
- B. Side Setback Line - An imaginary line parallel to any side lot line representing the minimum distance which all or any part of any principal building is to be set back from the side lot line.
- C. Rear Setback Line - An imaginary line parallel to any rear lot line representing the minimum distance which all or any part of any principal buildings is to be set back from the rear lot line.

“Sewers, Central” - Central Sewer System means a sewage disposal system which provides a collection network and central treatment facility for a single development, community or region subject to the approval of health and sanitation officials having jurisdiction.

“Sewage Disposal System, On-Site” - Sewage Disposal System, On-Site means a septic tank or similar installation on an individual lot which provides for the processing of sewage and disposal of the effluent.

“Shadow Flicker” - Shadow Flicker means the on and off shadow effect caused when the sun passes behind the blades attached to a wind turbine that is cast across the ground, buildings, or structures. See Article XVI, Section 1601.01(C). (Added 6/15/17)

“Sign” - 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.

“Soil Map” - Soil Map is part of the Chardon Township Land Use Plan containing explanatory data consisting of surface geology, soil types, slope classes, and significant features such as rivers, streams, quarries, etc.

“Solar Panel” – Solar Panel means a photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating. See Article XVI, Section 1600.01(C). (Added 12/16/10) (Amended 6/15/17)

“Solar Panel Array” – Solar Panel array means an integrated assembly of solar panels with a support structure or foundation and other components. See Article XVI, Section 1600.01(D). **(Added 6/15/17)**

“Story” - 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 or Road” - Street or Road means a right-of-way dedicated to public use or a private right-of-way in private ownership which provides the principal means of ingress and egress to abutting property.

“Structure” - Structure means anything constructed, the use of which requires location on the ground or attachment to something having location on the ground.

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

“Swimming Pool” - 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.

“Township” - Township means Chardon Township, Geauga County, Ohio.

“Trustees” - Trustees means the board of trustees of the township.

“Variance” - Variance means a modification of the strict terms of this resolution where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this resolution would result in unnecessary hardship. Variances may be granted only after the applicant has followed the procedures as stated in Article XII.

“Vehicle” - Vehicle means anything which is or has been on wheels, runners or tracks and is customarily used for moving, hauling, digging, and /or transportation of people, animals, equipment, and materials.

“Vehicle Repair” - Vehicle Repair means the repair, rebuilding, and reconditioning of motor vehicles, mobile homes, or farm implements including collision service, painting, and steam cleaning of vehicles.

“Vehicle Sales” - Vehicle Sales means the sale, lease or rental of new or used motor vehicles, mobile homes, or farm implements.

“War Games and / or Survival Games” - War Games and / or Survival Games means activities conducted outdoors which involve simulated military actions using firearms, simulated firearms, explosives, simulated explosives, weapons, and simulated weapons of all kinds.

“Water, Central” - Central Water System means a system having one or more wells or other

sources of water supply joined together by pipelines so as to form a water distribution system for a single development, community, or region subject to the approval of health and sanitation officials having jurisdiction.

“Wind Energy Conversion System (WECS)” – Wind Energy Conversion System (WECS) means equipment that converts and then stores or transforms kinetic energy from the wind into usable forms of energy. Such equipment includes, but is not limited to, an anchor base, airfoil, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wiring, inverter, batteries, or any other components used in the system. A WECS may include equipment that is used for pond aeration and/or pumping water. See Article XVI, Section 1601.01(D). **(Added 6/15/17)**

“Wind Energy Conversion System Tower” – Wind Energy Conversion System Tower means a monopole that may be freestanding or attached to a building that supports a wind turbine. See Article XVI, Section 1601.01(E). **(Added 6/15/17)**

“Wind Turbine” – Wind Turbine means the parts of a wind energy conversion system including the blades or airfoils and associated mechanical and electrical conversion components mounted to a wind tower or a building. See Article XVI, Section 1601.01(F). **(Added 6/15/17)**

“Wireless Telecommunications Facilities Definitions” - See Section 1705.00 **(Amended 8/15/1997)**

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

- A. Front Yard - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. Rear Yard - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- C. Side Yard - 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” - Zoning Certificate means a permit issued by the township zoning inspector in accordance with the regulations specified in this resolution.

“Zoning Map” - Zoning Map means the official zoning map of the township which shows the boundaries of the zoning districts established in this resolution.

ARTICLE III

ZONING DISTRICTS AND OFFICIAL ZONING MAP

Section

300.00 Zoning Districts

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

- A. R-1 Residential
- B. R-2 Residential
- C. C-1 Commercial

300.01 Description of Zoning Districts

The following is a legal description of each zoning district listed in Section 300.00 of this resolution:

LEGAL DESCRIPTION OF R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
(PARCEL 1)

Beginning at the northwest corner of Chardon Township; said place of beginning also lying in the southerly line of Lake County:

Thence (easterly) along the northerly line of Chardon Township and the southerly line of Lake County to the centerline of Auburn Road;

Thence (southerly) along the centerline of Auburn Road to a point 800 feet northerly (along the centerline of Auburn Road) from the centerline of Chardon Road;

Thence 400 feet (westerly) perpendicular to the centerline of Auburn Road to a point;

Thence (southerly) parallel to and 400 feet by perpendicular measurement from the centerline of Auburn Road to a point 400 feet (northerly) by perpendicular measurement from the centerline of Chardon Road;

Thence (westerly) parallel to and 400 feet by perpendicular measurement from the centerline of Auburn Road to a point; said point located such that a line extended (southerly) parallel to Auburn Road will pass through a point in the centerline of Chardon Road 3,250 feet westerly (along the centerline of Chardon Road) from the centerline of Chardon Road; **(Amended 11/6/2009)**

Thence (southerly) parallel to the centerline of Auburn Road to the centerline of Chardon Road;

Thence (westerly) along the centerline of Chardon Road to the westerly line of Chardon Township;

Thence northerly along the westerly line of Chardon Township to the place of beginning.

LEGAL DESCRIPTION OF R-1 SINGLE FAMILY RESIDENTIAL DISTRICT (PARCEL 2)

Beginning at the northeast corner of Chardon Township; said place of beginning also lying in the southerly line of Lake County;

Thence (southerly) along the easterly line of Chardon Township to the City of Chardon Corporation line;
(Amended 8/16/2002)

Thence (westerly) along the northerly lines of the City of Chardon to the centerline of Ravenna Road;
(Amended 8/16/2002)

Thence (northerly) along the centerline of Ravenna Road to its point of intersection with the centerline of Clark Road;

Thence (easterly and northeasterly) along the centerline of Clark Road to the northerly line of Chardon Township;

Thence (easterly) along the northerly line of Chardon Township to the place of beginning.

LEGAL DESCRIPTION OF R-2 FAMILY RESIDENTIAL DISTRICT
(PARCEL 1)

Beginning at the southwest corner of Chardon Township:

Thence (northerly) along the westerly line of Chardon Township to the centerline of Chardon Road;

Thence (easterly) along the centerline of Chardon Road (U.S. Route 6) to a point 3,250 feet westerly (along the centerline of Chardon Road) from the centerline of Auburn Road;

Thence (southerly) parallel to the centerline of Auburn Road to a point 400 feet by perpendicular measurement from the centerline of Chardon Road;

Thence (easterly) parallel to and 400 feet by perpendicular measurement from the centerline of Chardon Road to a point 400 feet westerly by perpendicular measurement from the centerline of Auburn Road;

Thence (southerly) parallel to and 400 feet by perpendicular measurement from the centerline of Auburn Road to a point; said point located such that a line extended (easterly) perpendicular to the centerline of Auburn Road will pass through a point in the centerline of Auburn Road 800 feet southerly (along the centerline of Auburn Road) from the centerline of Chardon Road;

Thence (easterly) 800 feet along a line perpendicular to the centerline of Auburn Road to a point 400 feet easterly from the centerline of Auburn Road;

Thence (northerly) parallel to and 400 feet by perpendicular measurement from the centerline of Auburn Road to a point located 400 feet southerly by perpendicular measurement from the centerline of Chardon Road;

Thence (easterly) parallel to and 400 feet by perpendicular measurement from the centerline of Chardon Road to a point; said point located such that a line extended (northerly) perpendicular to the centerline of Chardon Road will pass through a point in the centerline of Chardon Road 1,250 feet easterly (along the centerline of Chardon Road) from the centerline of Auburn Road;

Thence (northerly) 800 feet along a line perpendicular to the centerline of Chardon Road to a point located 400 feet northerly from the centerline of Chardon Road;

Thence (westerly) parallel to and 400 feet by perpendicular measurement from the centerline of Chardon Road to a point located 400 feet easterly by perpendicular measurement from the centerline of Auburn Road;

LEGAL DESCRIPTION OF R-2 SINGLE FAMILY RESIDENTIAL DISTRICT (PARCEL 1)
CONTINUED

Thence (northerly) parallel to and 400 feet by perpendicular measurement from the centerline of Auburn Road to a point; said point located such that a line extended (westerly) perpendicular to the centerline of Auburn Road will pass through a point in the centerline of Auburn Road 800 feet northerly (along the centerline of Auburn Road) from the centerline of Chardon Road;

Thence westerly 400 feet perpendicular to the centerline of Auburn Road to the point in the centerline of Auburn Road;

Thence (northerly) along the centerline of Auburn Road to the northwest corner of parcel of land conveyed to T.J. Ripper by deed recorded in Volume 326, Page 53 of Geauga County Record of Deeds; said northwesterly corner also lying at the southerly end of the westerlymost line of the City of Chardon; **(Amended 8/16/2002)**

Thence (easterly and southerly) along the lines of the City of Chardon to the southerly line of Chardon Township; **(Amended 8/16/2002)**

Thence (westerly) along the southern line of Chardon Township to the place of beginning.

LEGAL DESCRIPTION OF R-2 SINGLE FAMILY RESIDENTIAL DISTRICT (PARCEL 2)

Beginning at a point in the northerly line of Chardon Township at the centerline of Auburn Road:

Thence (easterly) along the northerly line of Chardon Township to the centerline of Clark Road;

Thence (southwesterly and westerly) along the centerline of Clark Road to the centerline of Ravenna Road;

Thence (southerly) along the centerline of Ravenna Road to the northerly line of the City of Chardon; **(Amended 8/16/2002)**

Thence (westerly) along the northerly lines of the City of Chardon, to the westerly right-of-way line of State Route 44; **(Amended 8/16/2002)**

Thence (northerly) along the westerly right-of-way line of State Route 44 to the southeasterly corner of a parcel of land conveyed to M. & B. Luther by deed recorded in Volume 725, Page 917 of Geauga County Record of Deeds; **(Amended 8/16/2002)**

Thence (westerly) along the southerly line of the aforesaid M. & B. Luther property to the easterlymost corner of parcel of land conveyed to Roger and Brandi Davis by deed recorded in Volume 1103, Page 248 of Geauga County Record of Deeds; **(Amended 8/16/2002)**

Thence (southwesterly) along the southerlymost line of aforesaid Roger and Brandi Davis property to the centerline of Mentor Road; **(Amended 8/16/2002)**

Thence (southeasterly) along the centerline of Mentor Road to the point of intersection of the centerline of Mentor Road and the northeasterly prolongation of the southeasterly line of Stratford Ridge Subdivision as recorded in Volume 19, Page 5 of Geauga County Record of Plats; **(Amended 8/16/2002)**

Thence (southwesterly) along the aforesaid southeasterly line and its prolongation to the northerly line of the City of Chardon; **(Amended 8/16/2002)**

Thence (westerly) along the northerly lines of the City of Chardon, to a point in the centerline of Auburn Road; said point being the north end of the easterlymost line of the City of Chardon, and the southwest corner of Parcel of land conveyed to B. Gibson by deed recorded in Volume 512, Page 98 of Geauga County Record of Deeds; **(Amended 8/16/2002)**

Thence northerly along the centerline of Auburn Road to the place of beginning.

LEGAL DESCRIPTION OF C-1 GENERAL COMMERCIAL DISTRICT (PARCEL 1)

Beginning at a point in the centerline of Auburn Road, said place of beginning being 800 feet northerly (along the centerline of Auburn Road) from the centerline of Chardon Road:

Thence (easterly) 400 feet perpendicular to the centerline of Auburn Road to a point;

Thence (southerly) parallel to and 400 feet by perpendicular measurement from the centerline of Auburn Road to a point; such point being 400 feet northerly by perpendicular measurement from the centerline of Chardon Road;

Thence (easterly) parallel to and 400 feet by perpendicular measurement from the centerline of Chardon Road to a point; said point located such that a line extended (southerly) perpendicular to the centerline of Chardon Road will pass through a point in the centerline of Chardon Road 1,250 feet easterly along the centerline of Chardon Road from the centerline of Auburn Road;

Thence (southerly) 800 feet along a line perpendicular to the centerline of Chardon Road to a point located 400 feet southerly from the centerline of Chardon Road;

Thence (westerly) along a line parallel to and 400 feet by perpendicular measurement from the centerline of Chardon Road to a point 400 feet easterly by perpendicular measurement from the centerline of Auburn Road;

Thence (southerly) parallel to and 400 feet by perpendicular measurement from the centerline of Auburn Road to a point; said point located such that a line extended (westerly) perpendicular to the centerline of Auburn Road will pass through a point in the centerline of Auburn Road 800 feet southerly along the centerline of Auburn Road from the centerline of Chardon Road;

Thence (westerly) 800 feet along a line perpendicular to the centerline of Auburn Road to a point located 400 feet westerly from the centerline of Auburn Road;

Thence (northerly) along a line parallel to and 400 feet by perpendicular measurement from the centerline of Auburn Road to a point located 400 feet southerly by perpendicular measurement from the centerline of Chardon Road;

Thence (westerly) along a line parallel to and 400 feet by perpendicular measurement from the centerline of Chardon Road to a point; said point located such that a line extended (northerly) parallel to the centerline of Auburn Road will pass through a point in the centerline of Chardon Road 3,250 feet westerly along the centerline of Chardon Road from the centerline of Auburn Road;

Thence (northerly) along a line parallel with the centerline of Auburn road to a point 400 feet northerly by perpendicular measurement from the centerline of Chardon Road;

LEGAL DESCRIPTION OF C-1 GENERAL COMMERCIAL DISTRICT (PARCEL 1) CONTINUED

Thence (easterly) parallel to and 400 feet by perpendicular measurement from the centerline of Chardon Road to a point 400 feet westerly by perpendicular measurement from the centerline of Auburn Road;

Thence (northerly) parallel to and 400 feet by perpendicular measurement from the centerline of Auburn Road to a point; said point located such that a line extended (easterly) perpendicular to the centerline of Auburn Road will pass through a point in the centerline of Auburn Road 800 feet northerly along the centerline of Auburn Road from the centerline of Chardon Road;

Thence (easterly) 400 feet along a line perpendicular to the centerline of Auburn Road to the place of beginning.

LEGAL DESCRIPTION OF C-1 GENERAL COMMERCIAL DISTRICT (PARCEL 2)

Beginning at the centerline of Mentor Road at its point of intersection with the southerly line of a parcel of land conveyed to Roger and Brandi Davis by deed recorded in Volume 1103, Page 248 of Geauga County Deed Records; **(Amended 8/16/2002)**

Thence northeasterly along the southerly line of the aforesaid Roger and Brandi Davis to the easterly most corner of said property to the southerly line of a parcel of land conveyed to M. & B. Luther by deed recorded in Volume 725, Page 917 of Geauga County Record of Deeds; **(Amended 8/16/2002)**

Thence easterly along the southerly line of the aforesaid M.& B. Luther to the westerly right-of-way of State Route 44; **(Amended 8/16/2002)**

Thence (southerly) along the westerly right-of-way line of State Route 44 to the northerly line of the City of Chardon; **(Amended 8/16/2002)**

Thence (westerly) along the northerly lines of the City of Chardon to a point; said point lying at the westerlymost corner of a parcel of land as conveyed to Albert L. and Dorothy C. Orient by deed recorded in Volume 781, Page 1052 of Geauga County Record of Deeds and being 1 of 2 parcels conveyed to Thomas A. Hall and Pamela C. Hall by deed recorded in Volume 980, Volume 1213 of Geauga County Record of Deeds; said point also being a southeasterly corner of Stratford Ridge Subdivision as recorded in volume 19, Page 5 of Geauga County Record of Plats and the northerly line of Chardon Village; **(Amended 8/16/2002)**

Thence northeasterly along the northwesterly line of the aforesaid Hall property and the southeasterly line of the aforesaid Stratford ridge Subdivision to the centerline of Mentor Road; **(Amended 8/16/2002)**

Thence northwesterly along the centerline of Mentor Road to the place of beginning. **(Amended 8/16/2002)**

301.00 Official Zoning Map

The boundaries of the zoning districts listed in Section 300.00 and described in Section 300.01 in this resolution are shown on the official township map which is hereby incorporated as a part of this resolution.

In the event of discrepancies between the zoning map and the legal description of each zoning district as provided in Section 300.01, the legal description of the zoning district shall be controlling.

The official township zoning map shall be identified by the signatures of the township trustees and attested to by the township fiscal officer together with the date of its adoption and the effective date. **(Amended 6/15/17)**

301.01 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 therefrom except by township officials for the purpose of conducting township business. **(Amended 6/15/17)**

301.02 Amendments to the Official Zoning Map

No amendments shall be made to the official township zoning map except in conformity with the procedure set forth in Article XIV 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 301.01. **(Amended 6/15/17)**

ARTICLE IV

REGULATIONS FOR ALL DISTRICTS

Section

400.00 General

- A. The uses set forth as principal uses in each zoning district shall be permitted by right as the principal building, structure, or use of a lot.
- B. The uses set forth as accessory uses in each zoning district shall be permitted by right as buildings, structures, or uses which are subordinate and incidental to principal building, 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 VIII.

401.00 Prohibited Uses in All Zoning Districts

The following buildings, structures, and uses shall be prohibited 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 in accordance with Article XIV or a variance has been granted in accordance with Article XIII. **(Amended 12/19/2003)**
- B. Automotive wrecking shall be prohibited.
- C. Junk yards shall be prohibited.
- D. Junk vehicles and/or junk stored or located outside of a fully enclosed permanent building shall be prohibited. **(Amended 11/6/2009)**
- E. Vehicle repairs conducted on a continuing successive, and / or repeated basis outside of a fully enclosed building or structure shall be prohibited.
- F. Mobile homes on individual lots outside of mobile home parks shall be prohibited.
- G. Lighting fixtures and devices which are arranged to reflect or direct lights on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.
- H. The manufacture, distribution, or sale of drug paraphernalia, and drug paraphernalia establishments as defined in Article II shall be prohibited. **(Amended 12/19/2003)**
- I. The storage, sale, or use of explosives or fireworks shall be prohibited. **(Amended 1/16/2009)**
- J. Commercial indoor and / or outdoor shooting ranges shall be prohibited.

- K. War Games as defined in Article II shall be prohibited. **(Amended 12/19/2003)**
- L. Offensive or annoying noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects are prohibited.
- M. The storage, incineration, or burial of hazardous or infectious waste shall be prohibited. **(Added 12/16/2010)**

ARTICLE V

R-1 AND R-2 RESIDENTIAL DISTRICTS

Section

500.00 General

500.01 Permitted Principal Buildings, Structures, and Uses Which Require a Zoning Certificate (Amended 11/6/2009)

- A. One single family detached dwelling per lot, including industrialized units and manufactured homes (other than mobile homes). **(Amended 8/4/2000)**
- B. One Single Detached Adult Family Home per lot. Requirements for an adult family home as defined in R.C. 3722.01(A)(7) shall include the following: **(Added 11/6/2009)**
 - 1) Conforms to all residential district regulations. **(Added 11/6/2009)**
 - 2) Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided. **(Added 11/6/2009)**
 - 3) In order to limit excessive concentration, no adult family home or licensed family home shall be located within five thousand two hundred eighty (5,280) feet of another such home. **(Added 11/6/2009)**
- C. Township buildings, structures, and uses pertaining to administrative functions and maintenance. **(Added 3/15/2012)**
- D. No other uses are permitted unless specifically exempted by Section 104.00 of this resolution. **(Amended 12/19/2003) (Amended 3/15/2012)**

500.02 Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with and incidental or subordinate to the principal permitted building, structure, or use which require a Zoning Certificate) (Amended 1/16/2009)

- A. Wind energy conversion systems, in accordance with Article XVI. **(Amended 6/15/2017)**
- B. Private garages designed and used for the storage of motor vehicles owned and/or operated by the occupants of the principal building or structure.
- C. Signs in accordance with Article X. **(Amended 12/19/2003)**

- D. Storage buildings in addition to the principal building or structure. Vehicles, parts of vehicles, or anything manufactured for the purpose of transporting persons or property, including semi-trailers, mobile homes, and railroad cars shall not be used as a storage building.
- E. Swimming pools, exclusive of portable swimming pools with a diameter less than eight (8) feet or with an area of less than fifty (50) square feet, in accordance with the following regulations:
- 1) A swimming pool shall be used solely for the enjoyment of the occupants, and their guests, of the property on which it is located.
 - 2) A swimming pool shall be located so that it meets all the minimum yard requirements.
 - 3) A swimming pool shall be completely enclosed by a fence at least four (4) feet in height. The fencing requirement does not apply to residential swimming pools that: **(Amended 5/22/2018)**
 - (a) Are installed with an automatic retractable cover that meets ASTM Standard F 1346-91, or **(Added 5/22/2018)**
 - (b) Are above ground pools with sides greater than four (4) feet in height and the ladder/access point is fenced with a self-closing gate that is latchable from the inside. **(Added 5/22/2018)**
- F. Residential Recreational Courts not within a fully enclosed building and not having exterior lighting. See Article II, Section 201.00 definition section. (If court has exterior lighting or is within a fully enclosed building, see Section 501.06). **(Added 5/17/2007)**
- 1) A residential recreational court shall not exceed 7,200 square feet. **(Added 5/17/2007)**
 - 2) The minimum lot area shall be the acreage reflected in the R-1/R-2 District Chart per Section 500.03. **(Added 5/17/2007) (Amended 3/15/2012)**
 - 3) If a residential recreational court is fenced, the fence height shall not exceed a maximum of twelve (12) feet. **(Added 5/17/2007)**
 - 4) There shall be no more than one (1) residential recreational court on a lot. **(Added 5/17/2007)**
- G. Solar panels and solar panel arrays in accordance with Article XVI. **(Added 6/15/2017)**

H. Home Occupation (**Amended 5/3/19**)

No person shall engage in a Home Occupation, or materially alter the scope of a lawfully existing Home Occupation within the Township unless and until the applicant has applied for, and the Zoning Inspector has issued, a Zoning Certificate pursuant to Article XIII of this Zoning Resolution. Conducting professional office work remotely shall not require a zoning certificate, per section 500.10.

Provisions for home occupations:

- 1) Operator of home occupation must be a resident of the property.
- 2) Operator of home occupation shall not produce unreasonable and excessive noise, smoke, dust, heat, odor, or vibration that would disturb a reasonable person of ordinary sensibilities.
- 3) Operator of home occupation shall not offer for sale material products not produced by such home occupation.
- 4) Operator of home occupation shall not present outward evidence of such use, including but not limited to signage.
- 5) Operator of home occupation shall not operate any business that offers or provides lodging to the general public for compensation.
- 6) Operator of home occupation shall not operate in violation of any federal, state, or local laws or regulations.
- 7) If a Home Occupation does not meet the requirements in Section 500.02, see Article VIII Conditional Uses.

500.03 (Amended 3/15/2012)

R-1/R-2 District Chart		
MINIMUM/MAXIMUM	R-1	R-2
Minimum Lot Area	Five (5) acres excluding the road right of way	Three (3) acres excluding the road right of way
Minimum Lot Width	Two hundred and fifty (250) feet at the building line	Two hundred (200) feet at the building line
Minimum Front Yard	One hundred (100) feet	Seventy five (75) feet
Minimum Side Yard	Fifty (50) feet	Thirty (30) feet
Minimum Rear Yard	Fifty (50) feet	Thirty (30) feet
Minimum Floor Area – permitted single story buildings in Section 500.01 (Amended 5/17/2013)	Sixteen hundred (1600) square feet	Twelve hundred (1200) square feet
Minimum Floor Area – other buildings (multi- story) in Section 500.01 (Amended 5/17/2013)	One thousand (1000) square feet on the first floor with a total of eighteen hundred (1800) square feet	Nine Hundred (900) square feet on the first floor with a total of fourteen hundred (1400) square feet

500.04 Minimum Lot Area

The minimum lot area shall be the acreage reflected in the R-1/R-2 District Chart per Section 500.03. **(Amended 8/4/2000) (Amended 3/15/2012)**

500.05 Minimum Front Lot Line

Unless otherwise provided in this resolution each lot shall adjoin a road. The minimum road frontage for a lot shall be sixty (60) feet as measured at the road right-of-way line.

500.06 Minimum Lot Width

The minimum lot width per single family detached dwelling shall be the footage as reflected in the R-1/R-2 District Chart per Section 500.03 at the building line and a minimum of sixty (60) feet at the road right-of-way and continuously a minimum of sixty (60) feet at every point to the building line. One driveway is required per lot. Said driveway shall be within the minimum sixty (60) foot of road frontage. **(Amended 11/6/2009) (Amended 3/15/2012)**

500.07 Minimum Yards

The minimum yards for all buildings, structures, and uses, including accessory buildings, structures, and uses shall be as reflected in the R-1/R-2 District Chart per Section 500.03 **(Amended 3/15/2012)**

- A. Rear, back, or flag lots – minimum front yard shall be measured from the rear lot line of the lot immediately to the front of the rear lot and the minimum side and rear yard regulations for the zoning district in which the rear lot is located shall apply. **(Added 11/6/2009) (Amended 3/15/2012)**
- B. The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be the same as the minimum front yard. **(Added 11/6/2009) (Amended 3/15/2012)**

500.08 Maximum Height

- A. The maximum height of all buildings, structures, and uses excluding those listed in paragraph B herein shall be thirty-five (35) feet or two and one-half stories, whichever is less.
- 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 forty-five (45) feet in height above finished ground level. Dish antennas shall be in the rear yard, shall not exceed a diameter of twelve (12) feet and shall not exceed fifteen (15) feet in height above ground level.

3. The Wind Energy Conversion Systems shall not exceed the height specified in Article XVI, Section 1601.02. **(Amended 6/15/2017)**

500.09 Minimum Floor Area

The minimum floor area for permitted buildings under Section 500.01 in the R-1 and R-2 Districts shall be as follows: **(Amended 3/15/2012)**

Single story buildings shall have a minimum square footage as reflected in the R-1/R-2 District Chart per Section 500.03. **(Amended 3/15/2012)**

Other buildings (multi- story) shall have a minimum of square footage as reflected in the R-1/R-2 District Chart per Section 500.03 on the first floor with a total minimum of square footage as reflected in the R-1/R-2 Districts Chart per Section 500.03. **(Amended 3/15/2012) (Amended 5/17/2013)**

In calculating the minimum floor area, the following areas shall not be included:

Basements, attics, garages, enclosed or unenclosed porches, patios, decks, and breezeways. **(Amended 12/16/2010)**

500.10 Permitted Buildings, Structures, and Uses in Required Yards Not Requiring a Zoning Certificate. (Amended 1/16/2009)

- A. Awnings or canopies over windows and doors
- B. Chimneys
- C. Clothes drying yard equipment (clothesline)
- D. Farm markets, provided that fifty percent (50%) or more of the gross income received from the market is derived in a normal crop year from produce raised on farms owned or operated by the market operator. **(Added 1/16/2009)**
- E. Fences and walls in accordance with the following regulations: **(Added 1/16/2009)**
 1. Fences and walls shall be erected outside of the right-of-way of any public or private road. **(Added 1/16/2009)**
 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road. **(Added 1/16/2009)**
 3. Fences and walls shall not be constructed in any manner likely to cause physical injury. **(Added 1/16/2009)**
 4. Fences and walls shall not be unsafe, unsightly, or be in danger of falling. **(Added 1/16/2009)**

- F. Flagpoles.
- G. Mailboxes and newspaper tubes.
- H. Mobile tool sheds used in conjunction with a construction project on a temporary basis. Such mobile tool sheds shall be removed within fifteen (15) days after construction is completed. **(Added 1/16/2009)**
- I. Off-street parking spaces in accordance with Article IX.
- J. Ornamental and security lighting fixtures in accordance with Article IV.
- K. Portable swimming pools with a diameter less than eight (8) feet or with an area of less than fifty (50) square feet.
- L. Radio, television, or dish antennas in accordance with Section 500.08.
- M. Sanitary and drinking water facilities. **(Added 1/16/2009)**
- N. Signs in accordance with Article X.
- O. Solar Panels with 24v or less output in accordance with Article XVI, Section 1600.02. **(Added 12/16/2010; Amended 6/15/2017)**
- P. Wind Energy Conversion Systems (WECS) with 24v or less output in accordance with Article XVI, Section 1601.02. **(Added 6/15/2017)**
- Q. Student bus shelters. **(Amended 12/16/2010) (Amended 6/15/2017)**
- R. Swingsets and recreational equipment. **(Amended 12/16/2010) (Amended 6/15/2017)**
- S. Uncovered porches, patios, and steps. **(Amended 12/16/2010) (Amended 6/15/2017)**
- T. Conducting professional office work remotely. **(Added 5/3/19)**

500.11 Manufactured Homes

Manufactured homes shall meet all of the following requirements:

- A. Requirements for a manufactured home

A manufactured home shall:

- 1. Conform to all applicable Federal Construction and Safety Standards 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. Section 5415 and 24 C.F.R. Section 3280.8; and

2. Have all hitches, axles, wheels, and other appurtenances of mobility removed from the home; and
3. Be permanently installed upon and properly attached to a permanent, perimeter foundation built to county building department specifications that meets the manufacturer's installation requirements and applicable state and local regulations; and
4. Conforms to all residential district regulations.

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. **(Amended 12/16/2010)**

500.12 Ponds (Deleted 3/17/1995)

501.00 Conditional Buildings, Structures, and Uses

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

501.01 Golf Courses

Golf courses may be allowed as a conditional use within the R-1 and R-2 Residential Districts upon compliance with all other applicable sections of this resolution, including Article VIII. **(Amended 3/15/2012)**

A. Minimum Lot Area

The minimum lot area shall be one hundred (100) acres for a 9-hole and one hundred and sixty (160) acres for an 18-hole golf course.

B. Off-Street Parking

The facility shall provide off-street parking spaces in accordance with Article IX and the following:

1. Any extremity of such space or area shall be set back one hundred (100) feet from the nearest lot line.
2. Such parking area or spaces shall be maintained in good condition, and treated to avoid dust problems to nearby property owners as needed.

C. Access Roads

Access roads or drives to or from a public road shall be located and constructed so as to minimize impediment to normal traffic flow, and the center of any such access road or drive shall be at least two hundred (200) feet from a lot line or intersecting road. The driveways from the highway to the golf course or parking area shall be surfaced with concrete, asphaltic concrete, or other similar hard all-weather surface. **(Amended 3/15/2012)**

D. Screening of Golf Course

An opaque wall, a uniformly painted opaque fence, or a strip of land at least four (4) feet wide densely planted with shrubs or trees which will form a year round dense screen shall be erected or planted and maintained along all property lines adjoining "R" Districts. Such wall, fence, or planting shall be at least five (5) feet in height. Barbed wire fences are prohibited for this purpose.

1. Any wall or fence, or any screening device located within twenty-five (25) feet of an intersection of two (2) or more roads or the intersection of an access driveway and a road, shall have a maximum height of three (3) feet and a minimum height of two (2) feet.
2. The required screening shall be maintained in good condition at all times.
3. No signs shall be permitted to be attached to or hung from the required screening.

E. Golf Course Design and / or Use

Design and / or use as a golfing facility shall comply with the following provisions:

1. The edge of a green or fairway shall be set back at least two hundred (200) feet from the center line of any public road or any adjoining property line. The center line of a fairway starting from a tee nearer than two hundred (200) feet to a road or adjoining property line shall be at an angle of not less than forty-five (45) degrees to the road or adjoining property line.
2. Watering of greens, fairways, and tees shall be by use of surface water only. Use of water from dug or drilled wells for watering purposes, either directly or indirectly, is prohibited.

Disposal of water and sewage shall meet the standards set by the Geauga County Board of Health and / or the Environmental Protection Agency.

3. Land used as a golfing facility shall be graded for proper drainage so that all water flows to a properly constructed drainage system within the area to avoid drainage upon roads or adjoining property.
4. Lighting fixtures and devices which direct light on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.

F. Time of Operation

Such golf course may be open and operated only during the hours of 5:00 A.M. to 10:00 P.M. each day.

G. Permitted Accessory Uses

The following accessory uses are permitted on property for which a conditional zoning certificate has been granted for a golf course:

1. A clubhouse building which may contain amenities customarily associated with a golf course such as locker, shower, health bath, snack-bar, or restaurant facilities for patrons only.
2. A pro-shop for the retail sale of merchandise customarily associated with such use for patrons only.
3. Accessory buildings for the storage and servicing of equipment needed for the operation of a golfing facility.
4. Accessory recreational facilities such as a driving range, tennis, paddle or handball courts, swimming pool, fishing, and cross-country skiing for patrons only.

H. Minimum Setback

The minimum setback for all buildings, structures, or recreational facilities shall be as follows:

Two Hundred Fifty (250) feet measured from the road right-of-way line, and three hundred (300) feet from any other lot line. **(Amended 3/15/2012)**

I. Maximum Height

The maximum height of all buildings shall be thirty-five (35) feet or two and one half (2 ½) stories, whichever is less.

J. Dwellings to Conform

No building shall be used as a dwelling that does not conform completely to the spacing requirements of the zoning district in which it is located.

K. Change of Use

If any part of the golfing facility is sold or used for other than golfing purposes, the portion sold or put to other use shall conform with the zoning requirements applicable to the district in which such parcel is located.

L. Transfer of Ownership

The conditional zoning certificate as a golfing facility shall be void upon change of ownership or lease. A new conditional zoning certificate must be applied for within thirty (30) days after change of ownership or lease.

501.02 Memorial Park, Cemetery, and Graveyard

A memorial park, cemetery, and graveyard (hereafter referred to as a memorial park) may be established and operated subject to the following conditions:

A. Topography

The natural topography of the land so developed shall be retained.

B. Minimum Lot Area

The minimum lot area for all memorial parks shall be fifty (50) acres.

C. Off-Street Parking

Shall be in accordance with Article IX.

D. Access

1. Ingress to and egress from the memorial park shall be planned at places that will cause the least amount of traffic congestion and hazard. No such access point shall be closer than two hundred (200) feet from the intersection of two (2) or more roads. There shall be no more than two (2) access points on any one (1) road.
2. The maximum width of such driveway shall be thirty (30) feet. The minimum width of all driveways shall be twenty (20) feet. Such driveway shall have an apron of six (6) feet radius at the curb, to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.
3. All such driveways shall be surfaced with concrete, asphaltic concrete, asphalt, or similar all-weather surface and graded for proper drainage so that all water is drained within the premises and no water shall be permitted to flow on to adjoining roads or other property.

E. Screening of Memorial Park

A wall, fence, or a strip of land at least four (4) feet wide densely planted with shrubs or trees which will form a year-round dense screen shall be erected or planted and maintained along all property lines adjoining "R" Districts. Such wall, fence or planting shall be at least five (5) feet in height. Barbed wire fences are prohibited for this purpose.

1. Any wall or fence, or any screening device located within twenty-five (25) feet of an intersection of two (2) or more roads or the intersection of an access driveway and a road, shall have a maximum height of three (3) feet and a minimum height of two (2) feet.
2. The required screening shall be maintained in good condition at all times.
3. No signs shall be permitted to be attached to or hung from the required screening.

F. Location of Structure

Ornamental walls, fences, and gates other than for screening as in Section 501.03 (E) shall be erected or located at least one hundred (100) feet from the road right-of-way line or lot line. Mausoleums and other structures shall be erected or located at least one hundred fifty (150) feet from all lot lines. Grave markers shall be flush with ground. Individual and family above-ground lawn crypts are prohibited.

G. Maximum Height

The maximum height of any structure shall be thirty-five (35) feet or two and one-half (2 ½) stories, whichever is less.

H. Lighting

Lighting fixtures and devices which direct light on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.

I. Site Plan

The applicant shall furnish the board with:

1. A site plan indicating the location, size, and height of all buildings and structures, including fences, walls, gates, and signs.
2. Landscaping plans for the premises upon which the buildings and structures are to be located. These plans shall indicate the planting treatment proposed at the boundary of the memorial park and the planting treatment between the parking lanes. This plan shall also show the design features and layout of the land to be used for off-street parking, the type of pavement to be used, the type of lighting fixtures proposed, and a grading and drainage plan for the memorial park.
3. The proposed system of vehicular traffic circulation within the memorial park, access points from adjoining roads, and estimates of traffic volumes for the proposed memorial park.

J. Change of Use

If any part of the memorial park is sold or used for other than memorial park purposes, the portion sold or put to other use shall conform with the zoning requirements applicable to the zoning district in which such parcel is located.

K. Transfer of Ownership

The conditional zoning certificate for a memorial park shall be void upon change of ownership or lease. A new conditional zoning certificate must be applied for within thirty (30) days after change of ownership or lease.

501.03 Churches / Houses of Worship (Amended 7/24/1992)

A church or other house of worship, such as a synagogue, temple, chapel, congregation or similar designation (hereafter collectively referred to as "Church"), may be established and operated subject to the following conditions:

A. Use of Church Structures

No part of any building or land used for church purposes shall be used for commercial or business activities or purposes. No structure shall be constructed as or used as a dwelling.

B. Minimum Lot Area and Coverage

The minimum lot area for this use shall be the same as that designated in the district in which the church is located. Building coverage, including driveways and parking areas, shall not exceed forty percent (40%) of the lot area.

C. Off Street Parking

1. Parking shall be in accordance with Article IX except as otherwise provided herein.
2. No parking areas shall be located in the front yard of a church.

D. Access

1. Ingress and egress from the church shall be planned in a manner and at locations that will cause the least amount of traffic congestion and hazard. No such access point shall be closer than three hundred (300) feet from any intersection of two (2) or more roads. There shall be no more than two (2) access points on any one (1) road.
2. Driveways shall be surfaced with concrete, asphaltic concrete, asphalt or similar all-weather surface and shall be graded for proper drainage in a manner that ensures that surface water is drained on the premises and does not flow onto adjoining properties.
(Amended 3/15/2012)

3. Driveways shall be a minimum of twenty (20) feet wide and a maximum of thirty (30) feet wide. Each access driveway shall be constructed with an apron on either side having a radius of six (6) feet which shall be surfaced in a manner as set forth in Paragraph D. 2. above. Driveways and parking areas shall be in accordance with Article IX.

4. Access driveways shall be a minimum of ten (10) feet from any property line.

E. Frontage

The minimum front lot line of a church shall be two hundred fifty (250) feet as measured at the road right-of-way. **(Amended 3/15/2012)**

F. Lot Width

Minimum lot width of a church shall be two hundred fifty (250) feet, measured at the building line.

G. Minimum Yards

1. Minimum front yard for all buildings, structures, and uses, including accessory buildings, structures and uses, shall be two hundred (200) feet.

2. Minimum side yards for all buildings, structures and uses, including accessory buildings, structures and uses, shall be one hundred (100) feet.

3. Minimum rear yards for all buildings, structures, and uses including accessory buildings, structures and uses, shall be one hundred (100) feet.

4. Front, side, and rear yards shall be landscaped and maintained in a satisfactory condition. **(Amended 3/15/2012)**

H. Accessory Structures and Buildings

Accessory structures and buildings are permitted for the storage of tools and equipment for the maintenance of the church building and yard. Other accessory structures and buildings are allowed only as set forth in the conditional use permit.

I. Site Plan

In addition to the items required under Section 800.01 of the Zoning Resolution, the applicant shall furnish the board of zoning appeals with the following:

1. A site plan indicating the location, size, and height of all buildings and structures, including fences, walls, gates and signs.

2. Landscaping plans for the property which indicate the general landscape design of the property. These plans shall clearly show the plan for off-street parking and shall

include the following specific items: type of pavement; number of parking places; distances from all lot lines; grading and drainage plans; and lighting fixtures proposed. **(Amended 3/15/2012)**

3. The proposed system of vehicular traffic circulation into the church parking area and within the church parking area, including the plan for all access points showing distance from intersections, width of driveways, traffic flow patterns into and out of the church.

J. Building Height

Height limitations shall be the same as specified for the district in which the proposed use is to be located, except that modification may be made upon variance by the Board of Zoning Appeals in unique and special circumstances, or in order to comply with basic design objectives of the use, provided that such modification will not impair the intent of this resolution or the general safety and welfare.

K. Change of Use

If all or any part of the church building or lot is sold or used for other than church purposes, then that portion put to another use shall conform with the zoning requirements applicable to the zoning district in which such parcel is located.

L. Transfer of Ownership

The conditional zoning certificate for a church shall be void upon change of ownership or lease. An application for a new conditional zoning certificate must be submitted within thirty (30) days of the change in ownership or lease.

M. General Standards and Renewal

1. Churches shall comply with all of the regulations for the zoning district in which it is located except as otherwise specified herein.
2. Churches shall be located, planned, and designed in all aspects so as to be in keeping with the surrounding development pattern and character of the neighborhood and shall not in any way impair the safety or general welfare.
3. The general standards for a conditional use for churches shall be as set forth in Article VIII. The conditional zoning certificate shall be valid for a period of five (5) years from the date of issuance and shall be renewable for successive periods so long as there is compliance with all conditions. **(Amended 5/17/2013)**
4. Signs shall comply with Article X.
5. Evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities.

6. An erosion and sedimentation control plan, if required, shall be approved by the Geauga Soil and Water Conservation District.

501.04 Bed and Breakfast (Added 2/2/1998)

A. Definition

Bed and Breakfast means an owner-occupied, single -family 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.

B. Conditions for a Bed and Breakfast

1. The Bed and Breakfast must 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.
2. One (1) individual not residing in the Bed and Breakfast may be employed in its operation.
3. No more than three (3) rooms shall be offered for rent.
4. Each room rented shall contain a minimum of one hundred (100) square feet.
5. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.
6. No cooking facilities of any type shall be permitted in the rented rooms.
7. A minimum of one (1) on-site parking space per room offered for rent, and two (2) spaces for the owner shall be required.
8. No change to the outside appearance of the dwelling shall occur as a result of the operation of the Bed and Breakfast facility.
9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a "Bed and Breakfast". The sign shall conform to Article X.
10. Comply with all federal, state, county, and township regulations including the regulations for the zoning district in which it is located.
11. Renewal is pursuant to Article VIII of the Chardon Township Zoning Resolution. **(Amended 3/15/2012)**
12. Any other condition or safeguard deemed appropriate by the Zoning Board of Appeals.
13. If the foregoing conditions shall have been violated by the owner thereof, the Conditional Zoning Certificate may be revoked after a hearing of the circumstances by the Board of Zoning Appeals.

14. The Conditional Zoning Certificate as a Bed and Breakfast facility shall be void upon change of ownership. A new Conditional Zoning Certificate must be applied for within thirty (30) days after change of ownership.

501.05 Residential Recreational Courts which have exterior lighting or are within a fully enclosed building. (Added 5/17/2007 – entire section)

- A. Definition – See Article II, Section 201.00 (definition section).
- B. Conditions for all Residential Recreational Courts.
 1. The maximum size of a residential recreational court shall be 7,200 square feet. **(Added 3/15/2012)**
 2. The minimum lot area shall be the acreage reflected in the R-1/R-2 District Chart per Section 500.03. **(Added 3/15/2012)**
 3. A residential recreational court shall be an accessory use to the principal permitted dwelling on a lot.
 4. There shall be no more than one (1) residential recreational court on a lot.
- C. Conditions for Residential Recreational Courts with exterior court lighting.
 1. If a residential recreational court is fenced, the fence height shall not exceed a maximum of twelve (12) feet.
 2. Lighting shall meet the following:
 - a. The maximum height of lights shall be twenty (20) feet.
 - b. All lights and light fixtures shall:
 - (1) Be designed, constructed, mounted and maintained such that the light source is cut off when viewed from any point above five (5) feet measured at ten (10) feet from the edge of the court; **(Amended 5/17/2013)**
 - (2) Be designed and constructed with mounted light shields installed and maintained such that the maximum illumination intensity measured at the nearest lot line shall not exceed one-half (1/2) foot candle above ambient light levels.

- c. The court may be lighted only between the hours of 7:00 a.m. to 11:00 p.m.

501.06 Active Public Recreational Park (Added 1/25/2008–entire section)

An Active Public Recreational Park may be allowed as a permitted use in the R-1 and R-2 Residential Zoning Districts upon compliance with all of the following conditions and all of the other applicable sections of this resolution, including Article VIII. **(Amended 3/15/2012)**

These regulations shall apply only to real property held by a political subdivision of the State of Ohio.

- A. Definition – See Article II, Section 201.00 (definition section).

The establishment of an Active Public Recreation Park recognizes that certain buildings, structures, and uses may require the modification and alteration of the natural terrain and disturbance of the natural habitat.

- B. Principal Buildings, Structures, and Uses **(Amended 3/15/2012)**

1. Outdoor ball fields and games including hardball, softball, soccer, football, lacrosse, rugby, track, and field. **(Amended 3/15/2012)**
2. Outdoor skating rinks.
3. Outdoor tennis, basketball, horseshoe, volleyball, badminton, bocce ball, shuffleboard courts, and similar activities.
4. Picnic grounds and pavilions.
5. Playgrounds and playground equipment.
6. Walking trails and bicycle trails.

- C. Accessory Buildings, Structures, and Uses

1. Bleachers for spectators limited to two (2) per ball field.
2. Outdoor storage of materials.
3. Fences and walls (in accordance with Section 500.10(E)). **(Amended 3/15/2012)**
4. Off-street parking in accordance with Article IX with the exception of Section 901.00(A).
5. Storage buildings shall not exceed nine hundred (900) square feet and thirty-five (35) feet in height.
6. Ornamental and security lighting in accordance with 500.10(J). **(Amended 3/15/2012)**

7. The following uses allowed under 500.10(A), (B), (E), (F), (G), (H), (I), (J), (L), (M), (N), (O), (Q), and (R). **(Amended 3/15/2012)**

D. Prohibited Buildings, Structures and Uses

The following buildings, structures, and uses shall be prohibited:

1. All buildings, structures, and uses set forth in Section 401.00.
2. All-terrain vehicles, four wheelers, dirt bikes, motorcycles, dune buggies, snowmobiles, and other motorized vehicles, except vehicles parked in designated off-street parking areas.
3. Car washing.
4. Dumping of trash, waste or other offensive or hazardous materials of any kind.
5. Overnight camping.
6. The use of firearms or bows and arrows including hunting, skeet shooting, and target shooting.

E. Minimum Lot Area

1. The minimum lot area shall be ten (10) acres.

F. Minimum Lot Frontage

1. The minimum lot frontage shall be two hundred and fifty (250) feet.

G. Minimum Lot Width

1. The minimum lot width shall be four hundred and fifty (450) feet.

H. Setbacks

1. The minimum front yard setback shall be one hundred (100) feet measured from the road right-of-way, excluding parking lots. **(Amended 3/15/2012)**
- 2.a. The minimum side yard setbacks shall be fifty (50) feet along all property lines adjoining a residentially zoned lot. There shall be no buildings, structures or uses except walking trails and driveways. Where the residentially zoned lot has a conditional use certificate for golf courses, memorial parks or cemeteries, the minimum side yard setback shall be reduced to twenty-five (25) feet. **(Amended 3/15/2012)**
- 2.b. The minimum side yard setback shall be the same as specified in 702.04 along all property lines adjoining the C-1 District.

3.a. The minimum rear yard setback shall be fifty (50) feet along all property lines adjoining a residentially zoned lot. There shall be no buildings, structures or uses except walking trails and driveways. Where the residentially zoned lot has a conditional use certificate for golf courses, memorial parks or cemeteries, the minimum rear yard setback shall be reduced to twenty-five (25) feet. **(Amended 3/15/2012)**

3.b. The minimum rear yard setback shall be the same as specified in 702.04 along all property lines adjoining the C-1 District.

I. Screening of Active Public Recreational Park

A strip of land at least twenty-five (25) feet wide densely planted with shrubs or trees which will form a dense screen shall be planted and maintained along property lines adjoining a residentially zoned lot as needed. Such planting shall be at least five (5) feet in height.

1. The required screening shall be maintained in good condition at all times.
2. No signs shall be permitted to be attached to or hung from the required screening.

J. Hours of Operation

Active Public Recreational Park use hours shall be limited to between dawn and dusk.

K. Access

1. Ingress and egress from the Active Public Recreational Park shall be planned in a manner and at locations that will cause the least amount of traffic congestion and hazard.
2. Driveways and parking areas shall be graded for proper drainage in a manner that ensures that surface water is drained on the premises and does not flow onto adjoining properties.
3. Driveways shall be a minimum of twenty (20) feet wide and a maximum of thirty (30) feet wide. Each access driveway shall be constructed with an apron on either side having a radius of six (6) feet.
4. Access driveways shall be a minimum of thirty (30) feet from any property line.

L. Change of Use

If any part of the Active Public Recreational Park facility is sold or used for anything other than active recreational purposes, the portion sold or put to other use shall conform with the zoning requirements applicable to the district in which such parcel is located.

501.07 Wind Energy Conversion Systems (WECS) (Added 6/15/2017)

Wind Energy Conversion Systems (WECS) in accordance with the conditions in Article XVI, Section 1601.02.

502.00 Fire Protection Ponds

A platted subdivision shall include a pond for fire protection constructed by the owner when stormwater management is required by the regulations enforced by the Geauga Soil and Water Conservation District and a detention pond is proposed. The pond shall be designed as a retention pond with a dry hydrant in accordance with the standards and specifications for dry hydrants of the Fire Department or any other authorized fire department. The dry hydrant shall also be located as to permit access by fire fighting and emergency vehicles. No zoning certificate shall be required for the installation of a fire protection pond or dry hydrant, however, the township zoning inspector shall not approve and sign a final plat for a subdivision until the standards and specifications of the Fire Department have been met for design and installation of the fire protection pond and the dry hydrant, with access thereto. Submission of the Fire Department's written approval must occur prior to submitting the final plat for approval and signature of the township zoning inspector. **(Added 9/20/2002) (Amended 11/6/2009)**

ARTICLE VI
(Deleted 3/15/12)

ARTICLE VII

C-1 COMMERCIAL DISTRICT

Section

700.00 General

700.01 Permitted Buildings, Structures, and Uses (Amended 12/19/2003)

Buildings, structures, and uses permitted in the adjacent R Districts.

Buildings, structures, and uses shall conform to all the provisions of the adjacent R-District as defined in Article V (Section 500.00 through 502.00). **(Amended 12/19/2003; Amended 6/15/17)**

701.00 Conditional Buildings, Structures, and Uses (Amended 12/19/2003)

The following shall be allowed as a conditional building, structure, and use in the C-1 Commercial District in accordance with Article VIII and the conditions listed in this section:

A. Professional Office Uses limited to:

1. Accountant
2. Advertising
3. Answering Service
4. Architect
5. Attorney
6. Consulting
7. Counselors / Rehabilitation Service
8. Employment Agency
9. Financial Planner / Stock Broker
10. Financial Planner / Broker
11. General Business Office without Service Vehicles / Crews
12. Government Offices
13. Graphic Designers / Web Designers / Programmers
14. Insurance Agent
15. Internet Services
16. Licensed Therapeutic Massage Facility / Physical Therapist
17. Medical / Dental / Optometrist Offices
18. Mortgage Company
19. Professional Engineer
20. Real Estate Office
21. Secretarial Service
22. Surveyor
23. Tax Preparation Service
24. Title Company
25. Travel Agency
26. Urgent Care Center

27. Writing / Publishing Services

B. The following commercial establishments for the purpose of sales, service, or rental providing that all products shall be sold on the premises directly to the consumer:

1. Antique Shops
2. Appliance Sales & Service
3. Art Supply Stores
4. Art Gallery / Picture Framing
5. Automotive Supply Stores
6. Bakeries
7. Banks
8. Barber & Beauty Salons
9. Beauty Supply Stores
10. Bicycle Sales & Service
11. Billiard & Gaming Equipment
12. Book, Newspaper, and Record Shops
13. Carpeting & Flooring
14. Cellular Phone / Phone Equipment
15. Ceramic Products / Equipment & Supplies
16. Clothing & Shoe Stores
17. Clock service, sales, & repair
18. Clothing Alterations, Tailor
19. Convenience Store / Mini-Mart
20. Craft & Craft Supply Stores / Fabric and Sewing Supplies
21. Electrical / Lighting Supply Stores
22. Electronic Equipment Sales & Service
23. Embroidery Service / T-Shirt printing
24. Exercise Equipment Sales
25. Fireplace Equipment / Stoves
26. Florist
27. Furniture / Mattress Sales
28. Furrier
29. Garden Center / Green Houses
30. Gift and Stationery Stores
31. Hardware and Paint Stores
32. Health & Diet Food Stores
33. Hot Tubs / Spa / Pool Sales
34. House Wares
35. Interior Decorators
36. Jeweler
37. Lawn & Garden Equipment / Equipment Rental / Service
38. Luggage and leather goods stores
39. Manicure / Nail Salons / Tanning
40. Medical and orthopedic appliance stores
41. Monument Sales
42. Musical Instruments / Musical Supply / Lessons / Instrument Sales
43. Office Supplies & Equipment
44. Paint & Wallpaper Stores

45. Pet & Pet Supplies Stores
46. Pharmacy
47. Photographer / Photographic Supplies / Film Developing
48. Restaurants & Coffee Shops
49. Second Hand Stores
50. Sewing Machine Sales and Service
51. Shipping & Packaging Services / Mail Order Services
52. Sign Making & Painting Shops
53. Snow Removal Equipment Sales / Service
54. Sporting Goods Stores
55. Toy Stores
56. Vacuum Cleaner Sales / Service
57. Variety Stores
58. Vending Machines
59. Video & Disc Sales / Rental
60. Water Conditioning Equipment
61. Weight Loss Center

C. Sales & Service Businesses limited to:

1. Adult Group Home (**Added 11/6/2009**)
2. Alarm System Installation, Service, and Monitoring
3. Ambulance Service / EMS Facility
4. Animal Hospital / Veterinarian
5. Automotive Glass Replacement / Repair
6. Banquet Facility
7. Bowling Alleys
8. Carpet Cleaning Service (service is performed only off-site)
9. Caterers
10. Cement Contractor
11. Commercial schools, such as dancing, business trade, or vocational
12. Day Care Center as licensed by the State of Ohio
13. Drywall Contractor
14. Duct Cleaning Service
15. Electrician
16. Equipment & Party Supply Rental
17. Exercise & Fitness Clubs
18. Fence Installation and Repair
19. Funeral Home
20. Garage Doors (Sales and Installation Service)
21. Government Services
22. Heating & Air Conditioning Sales / Service
23. Home Improvement Contractors
24. Hospice Care Programs (**Amended 11/6/2009**)
25. Indoor Theatres
26. Insulation Contractor
27. Kennels
28. Laboratories
29. Landscape Contractors

30. Lending Libraries
31. Locksmiths, Locks
32. Lodges and Meeting Halls
33. Museums
34. Nursing Homes **(Added 11/6/2009)**
35. Painting Contractor
36. Plumbing Sales & Service
37. Preschool / Nursery School as licensed by the State of Ohio
38. Roofing Contractor / Siding
39. Security Systems, Sales, Installation, Monitoring
40. Self-Service Storage facility (See Section 704.00 for additional conditions)
41. Septic Tank Cleaning Service
42. Service Station (See Section 703.01 for additional conditions)
43. Shoe and Hat Repair
44. Skating Rinks
45. Tire Services
46. Upholstery / Custom Draperies
47. Vehicle Repair Garage (See Section 703.02 for additional conditions)
48. Waterproofing Service
49. Well Drilling

702.00 Conditions for all Commercial Establishments Listed in 701.00 (A), (B), and (C).

702.01 Sewage Treatment Approval (Added 12/19/2003)

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

702.02 Minimum Lot Area (Added 12/19/2003)

The minimum lot area shall be one (1) acre excluding the road right-of-way.

702.03 Minimum Lot Width (Added 12/19/2003)

The minimum lot width shall be one hundred twenty-five (125) feet at the building setback line and sixty (60) feet at the road right-of-way and continuously a minimum of sixty (60) feet at every point to the building line.

702.04 Minimum Yards for Section 700.01 (A), (B), and (C) (Added 12/19/2003)

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

- Front Yard: 75 feet
- Each side yard: 25 feet
- Rear Yard: 25 feet

702.05 Maximum Height (Added 12/19/2003)

The maximum height requirement for all buildings and structures (except where specifically exempted in this resolution) shall be thirty-five (35) feet or two and one-half stories, whichever is less.

702.06 Maximum Lot Coverage (Added 12/19/2003)

The maximum lot coverage including impervious surfaces shall be forty (40) percent.

702.07 Minimum Floor Area (Added 12/19/2003)

The minimum floor area for any building or structure shall be one thousand (1,000) square feet.

702.08 Off-Street Parking, Ingress, and Egress (Added 12/19/2003)

Off-street parking, ingress, and egress shall be in accordance with Article IX.

702.09 Minimum Distance Between Buildings (Added 12/19/2003)

The minimum distance between buildings on the same lot shall be 20 feet as long as no parking is permitted between buildings.

702.10 Buffer Zone (Added 12/19/2003)

A buffer zone of not less than 10 (ten) feet in width shall be required wherever a residential district abuts a commercial district. No structure, building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the commercial district and on the same lot with the principal building, structure or use.

All buffer zones abutting a residential district along the side or rear lot lines shall be appropriately screened by fences, walls, earthen mounds or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences, walls, earthen mounds or evergreens shall be a minimum height of 5 feet upon installation. Evergreens shall be spaced 10 (ten) feet on center upon planting.

702.11 Exterior Lighting (Added 12/19/2003)

All sources of exterior illumination of a building, structure or lot shall be shielded so as not to cause direct glare and shall be directed away from any perimeter lot lines and toward the principal building, structure, or use on a lot. In order to minimize light trespass, all exterior lighting fixtures with lamps rated at 2,500 lumens or more shall be of the full cutoff type. Such exterior lighting fixtures shall be installed so that they operate at all times as full cutoff fixtures as defined in this resolution.

702.12 Exterior Storage of Materials (Added 12/19/2003)

Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, or use of the lot shall be confined to the rear of the principal building. Exterior trash receptacles or dumpsters shall be fully screened and shall not be located in the front of any

principal building on a lot or in any front yard. Exterior trash receptacles or dumpsters shall be a minimum of 25 feet from any side or rear lot lines.

702.13 Exterior Display or Sales Areas (Added 12/19/2003)

Exterior display or sales areas for goods and merchandise shall not extend more than 25 feet in any direction from the principal building on a lot, and shall not exceed 10 feet in height as measured from the average finished grade.

702.14 Storage of Vehicles and Equipment Owned or Utilized by a Commercial Use (Added 12/19/2003)

All vehicles or equipment owned or utilized by a commercial use must be located to the rear of the principal building on a lot and shall not be within any minimum side or rear yard. A maximum of 10 vehicles may be parked outside of the building.

703.00 Additional Conditions for Specific Conditional Uses

In addition to the conditions set forth in Section 702.00, the following conditions shall apply to the specific conditional uses provided herein.

703.01 Service Stations

1. All fuel storage tanks shall be completely underground.
2. Pumps shall be a minimum of fifty (50) feet from all road right-of-way lines. **(Amended 12/19/2003)**
3. Repairs or servicing of motor vehicles shall be within completely enclosed buildings. **(Amended 12/19/2003)**
4. All storage of supplies shall be within completely enclosed buildings during non-business hours.
5. No more than ten (10) vehicles may be stored overnight outside of an enclosed building. **(Amended 12/19/2003)**

703.02 Vehicle Repair Garages

1. Repairs or servicing of motor vehicles shall be within completely enclosed buildings. **(Amended 12/19/2003)**
2. All storage of supplies shall be within completely enclosed buildings. **(Amended 12/19/2003)**
3. No more than ten (10) vehicles may be stored overnight outside of an enclosed building. **(Amended 12/19/2003)**
4. No recapping or re-grooving of tires. **(Amended 12/19/2003)**

703.03 Adult Group Homes (Added 11/6/2009)

Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided.

703.04 Nursing Homes (Added 11/6/2009)

Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided.

703.05 Hospice Care Programs (Added 11/6/2009)

Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided.

704.00 Self-Service Storage Facility (Added 12/19/2003)

A self-service storage facility may be located in the Commercial C-1 district subject to the conditions set forth in the following provisions.

704.01 Maximum Floor Area

No individual self-service storage rental unit shall exceed 400 square feet of floor area.

704.02 Building and Safety Requirements

All construction shall conform to the Ohio Building Code and the National Fire Protection Association Code as determined by the Geauga County Building Department. Each self-service storage rental unit facility shall contain, at a minimum, the following requirements:

1. An alarm system shall be installed and maintained at all times that will provide for rapid notification to a central monitoring station who shall notify the dispatch service for the Chardon Volunteer Fire Department or any other authorized fire department. The alarm system shall utilize a system of heat detectors that will detect the rate of rise of heat. The system shall contain a battery backup.
2. The minimum distance between buildings shall be twenty (20) feet. No parking permitted between buildings.
3. The ingress and egress for such facility shall provide for a hard surface of a minimum of a twenty (20) foot wide lane with a radius of fifty (50) feet if a cul-de-sac or turnaround is part of the design.
4. Each facility shall install a Knoxbox, or similar equipment approved by the Chardon Volunteer Fire Department or any other authorized fire department, which will allow immediate access by the Chardon Volunteer Fire Department to open the box and obtain any keys, access or scan cards or similar unlocking devices in order for the Chardon Volunteer Fire Department to gain immediate access to the facility main gate.

5. Each operator of a self-service storage rental facility shall require of each tenant, and include in each lease that no explosives, ammunition or highly hazardous or highly flammable materials be stored at any time at such facility.
6. The self-service storage units shall not contain electrical outlets for use by the tenant of such facility.
7. No refrigerated storage units shall be permitted in any such facility.
8. Tenants shall not be permitted to use an auxiliary heating source.
9. The self-service storage rental facility shall have a security system requiring the use of cards, keypads, keys or similar security devices granting access to the facility.

705.00 Adult Entertainment and Adult Oriented Business (Added 3/17/05-entire section)

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

5. "Adult media" means magazines, books, videotapes movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.
6. "Adult media store" means an establishment that rents and/or sells media and that meets any of the following:
 - a. Five percent (5%) or more of the gross public floor area is devoted to adult media.
 - b. Five percent (5%) or more of the stock in trade consists of adult media.
 - c. It advertises or markets itself in any forum as "X rated," "adult," "sex," or otherwise as a sexually or adult oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.
7. "Adult motel or hotel" means an establishment which:
 - a. Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
 - b. Rents, leases, or offers sleeping rooms or suites for a period of time that is less than ten (10) hours; or
 - c. Allows an occupant or tenant to sublet a room or suite for less than ten (10) hours; or
 - d. Rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.
8. "Adult motion picture theater" means an establishment where, for any form of consideration, films, motion pictures, video cassettes, compact or digital discs, slides, similar photographic reproductions or previously recorded visual presentations are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
9. "Adult oriented business" means an establishment which is designed and used to sell, rent, or show sexually explicit or hard-core materials, paraphernalia, machines, equipment, services, performances, and such other uses distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult media store, adult motion picture theater, adult theater, adult sexual paraphernalia business, a nude model studio, and an adult sexual encounter business.
10. "Adult sexual encounter business" means an establishment that offers, for any form of consideration, a place where persons or patrons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult sexual encounter

business shall include an adult cabaret, a lingerie or adult modeling studio, a nude photography studio, an adult bathhouse or sauna, a body-painting studio, an adult massage business, and an adult hotel or motel. It shall not include an establishment operated by a licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.

11. "Adult sexual paraphernalia business" means an establishment which devotes five percent (5%) or more of its gross public floor area to the sale or rental of adult media or sexually oriented devices, toys or novelties.
12. "Adult theater" means an establishment such as a playhouse, arena, amphitheater, auditorium or concert hall which features persons who appear in a state of nudity or live performance characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
13. "Body-painting studio" means an establishment wherein paint or similar materials or substances are applied to specified anatomical areas of patrons who are in a state of nudity.
14. "Display publicly" means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a road, a public sidewalk, from an adjoining lot line, or from any portion of the premises where items and material other than adult media are on display to the public.
15. "Establishment" means any business regulated by this section.
16. "Explicit sexual material" means any hard-core material.
17. "Fully opaque covering" means any clothing or wearing apparel, including opaque 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 stimulate the appearance of the anatomical area beneath it.
18. "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.
19. "Hard-core material" means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice of a person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
20. "Lingerie or adult modeling studio" means an establishment that provides the services of live models to model lingerie to patrons and who engage in specified sexual activities or expose specified anatomical areas while being observed, painted, painted upon, sketched, drawn, photographed, or otherwise depicted by patrons.
21. "Nude photography studio" means an establishment that takes still or motion pictures for any form of consideration of models or patrons who engage in specified sexual activities or expose specified anatomical areas while being photographed.

22. "Nude Model Studio" means any place where a person who appears seminude or who displays specified anatomical areas 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; or
 - (2) a private college or university that offers educational programs in which credits are transferable to a college, junior college, or university.
23. "Nudity" means the showing of either of the following:
- a. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
 - b. The female breast with less than a fully opaque covering on any part of the areola.
24. "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.
25. "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.
26. "Specified sexual activities" means any of the following:
- a. Human genitals in a state of sexual stimulation or arousal;
 - b. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast;
 - c. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
 - d. Masturbation, actual or simulated; or
 - e. Excretory functions as part of, or in connection with, any of the activities set forth hereinabove.
27. "Video viewing booth or arcade booth" means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video tape, laser disc, cd-rom, books,

magazines or periodicals) for observation by patrons therein. A video-viewing booth or arcade booth shall not mean a theater, motion picture theater, playhouse, or a room or enclosure within a building or portion thereof that contains more than twenty-five (25) square feet of floor area.

705.01 Conditions for Adult Oriented Businesses

An adult oriented business may be allowed only in the Commercial (C-1) district. An adult oriented business shall be subject to the procedure for conditional zoning certificates as set forth in Section 802.00 of this resolution, the general conditions for conditional uses as provided in Section 805.00 of this resolution, and the following specific conditions. No person, proprietorship, partnership, corporation or any other legal entity shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provisions of this resolution. Nothing in this resolution shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film, video or other form of media or material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

- A. An adult oriented business shall be located at least 1,000 feet from an existing church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library. For the purpose of this condition measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.
- B. An adult oriented business shall be located at least 400 feet from any existing residential zoning district boundary as established in this resolution and shown on the official township zoning map, the lot line of a lot devoted to a residential use, any boundary of a residential zoning district contiguous with the township, or any building that contains a residence. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of the lot or premises devoted to a residential use or possession of a building devoted to a residence, or to the nearest boundary of an affected residential zoning district.
- C. An adult oriented business shall be located at least 600 feet from any existing other lawfully existing adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises devoted to a lawfully existing adult oriented business to the nearest front lot line of the lot or premises on which an adult oriented business may be conducted.
- D. An adult oriented business shall be conducted within a fully enclosed building.
- E. Management personnel shall be present at all times when an adult oriented business is open for operation.

- F. Proof of compliance with the rules and regulations of the county building department, water resources department, county general health district, fire prevention office or fire department, and such other state and federal codes as may be applicable shall be provided for an adult oriented business.
- G. An adult oriented business shall comply with all of the off-street parking regulations in this resolution for the zoning district in which it is located.
- H. An adult oriented business shall comply with all of the signage regulations in this resolution for the zoning district in which it is located.
- I. An adult oriented business shall comply with all of the regulations in this resolution for the zoning district in which it is located including, but not limited to, minimum lot area, minimum lot frontage and width, minimum yards (setbacks), lighting, maximum lot coverage, and maximum building and structure height.
- J. An adult oriented business shall comply with such other specific conditions related to the promotion and protection of the public health and safety, convenience, comfort, prosperity, or general welfare as determined by the board of zoning appeals.

705.02 Adult Oriented Business: Nonconforming Buildings, Structures, and Uses

Notwithstanding the provisions of this resolution regarding nonconforming buildings, structures, and uses, a lawfully existing adult oriented business in operation as a conforming use, shall not be rendered a nonconforming use by the subsequent location of a church or place of worship, public or private school, public park or playground, child day care center, governmental office, or public library within 1,000 feet, of a residential zoning district boundary or a residential use on a lot within 400 feet, of such adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, or public or private school, a public park or playground, a child day care center, a governmental office, or a public library.

ARTICLE VIII
CONDITIONAL USES

Section

800.00 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. No such zoning certificate shall be issued unless the plans for the proposed building, structure, or use fully comply with this zoning resolution.

800.01 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 property, 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 property, as recorded with the Geauga County Recorder.
- F. The current zoning district in which the property is located.
- G. A description of the existing use of the property.
- H. A description of the proposed use of the property.

- I. Two (2) copies of a plan or map drawn to scale, with dimensions in feet, a north arrow and date showing the following information:
 1. The dimensions of all property lines and the total acreage of the property.
 2. The dimensions of any existing buildings or structures on the property.
 3. The setback from all property lines of any existing buildings or structures on the property.
 4. The dimensions of proposed buildings or structures on the property 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 property or of any addition or structural alteration to existing buildings or structures.
 6. The setback from all property lines of proposed or structures on the property or of any addition or structural alteration to existing buildings or structures.
 7. The height of existing buildings or structures on the property.
 8. The height of proposed buildings or structures on the property 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 property.
 10. The number of any existing and proposed dwelling units for the property.
 11. The location, dimensions and number of any existing and proposed parking spaces.
 12. For commercial and industrial uses: The location, dimensions, and number of loading / unloading spaces.
 13. The location and dimensions of any existing or proposed easements on the property.
 14. The location of any gas or oil wells and related storage tanks on the property.
- J. The application fee.

800.02 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.

800.03 Meeting of Board of Zoning Appeals Regarding Conditional Zoning Certificate

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 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.

801.00 Action by Board of Zoning Appeals

- A. Hearings and decisions before the board of zoning appeals shall be conducted in accordance with Section 1202.04 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 record.
- 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.

802.00 Issuance of Conditional Zoning Certificate

Upon receiving written notice of the approval of an application for a conditional zoning certificate as provided by Section 801.00, the zoning inspector shall issue a conditional zoning certificate to the appellant.

803.00 General Conditions for Conditional Zoning Certificate

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

- A. A conditional zoning certificate shall not be transferred or assigned.
- B. A conditional zoning certificate for any of the buildings, structures, and uses provided herein shall be valid for a period not to exceed five (5) years from the date of issuance.

804.00 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.

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 property as described in the conditional zoning certificate. Such notice shall set forth the reason(s) for the revocation of the conditional zoning certificate. Such notice shall also include a statement that all construction upon or use of the building, structure or land described in the conditional zoning certificate shall cease unless and until a new conditional zoning certificate has been issued.

- 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.

805.00 General Standards for Conditional Uses

In addition to the specific requirements for conditional uses specified in Article IV of this resolution, the board of zoning appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards:

- A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site.
- B. The proposed roads and other means of ingress and egress are of adequate width and condition to accommodate expected vehicular traffic to be generated by the proposed use and are reasonably constructed to permit access by firefighting, 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 IX of this resolution.
- D. The type, size, location and number of proposed signs are in accordance with the provisions of Article X 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.
- H. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- I. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare.
- J. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

ARTICLE IX

PARKING AND LOADING / UNLOADING SPACES

Section

900.00 General Requirements for Parking and Loading / Unloading Spaces in All Zoning Districts

- A. Adequate parking and loading / unloading spaces in accordance with this resolution shall be provided at the time any building, structure, or use is located, erected, constructed, reconstructed, enlarged, structurally altered, or any use is changed.
- 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 provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, and roads.

901.00 Requirements for Parking and Loading / Unloading Spaces in Commercial Districts

- A. All parking and loading / unloading spaces shall be located on the same lot as the use to be served, and one hundred (100) feet from any property line adjoining the residential district.
- B. 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.
- C. 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.
- D. 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.
- E. All entrance and exits to a parking lot shall be clearly marked. Interior vehicular circulation by way of access driveways and aisles shall maintain the following minimum standards:
 - 1. For one way traffic the minimum width of access driveways and aisles shall be fourteen (14) feet.
 - 2. Access driveways and aisles for two way traffic shall have a minimum width of twenty-four (24) feet.
 - 3. The maximum width of all access driveways shall not exceed 30 feet. **(Added 12/19/2003)**

4. Parking lots having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.
- F. 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.
- G. All parking lots with a capacity over one hundred (100) vehicles shall be striped or otherwise delineated between spaces to facilitate the movement into or out of parking spaces.
- H. An opaque wall, a uniformly painted opaque fence, or a strip of land at least four (4) feet wide densely planted with shrubs or trees which will form a year-round dense screen shall be erected or planted and maintained along all property lines abutting residentially zoned districts. Such wall, fence, or planting shall be at least five (5) feet in height. Barbed wire fences are prohibited for this purpose. **(Amended 6/2/2006)**

Any wall or fence, or any screening device located within twenty-five (25) feet of an intersection of two (2) or more roads or the intersection of an access driveway and a road, shall have a maximum height of three (3) feet and a minimum height of two (2) feet.

The required screening shall be maintained in good condition at all times.

No signs shall be permitted to be attached to or hung from the required screening.

I. Number of Loading / Unloading Spaces Required

For commercial uses permitted by this resolution, one loading / unloading space shall be provided for each use with a minimum floor area of five thousand (5,000) square feet.

One (1) additional loading / unloading space shall be provided for each five thousand (5,000) square feet of floor area above the minimum or five thousand (5,000) square feet.

J. Size of Loading / Unloading Spaces

The width of a loading / unloading space shall be a minimum of twelve (12) feet and the length shall be a minimum of sixty (60) feet. The total area of a loading / unloading space shall be a minimum of seven hundred twenty (720) square feet.

902.00 Determination of the Number of Parking and Loading / Unloading Spaces Required in All Districts

- 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 or 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.
- D. In all zoning districts, the number of parking spaces provided shall be in accordance with the following schedule of requirements.

USE & NUMBER OF PARKING SPACES REQUIRED

- 1. **Adult Group Homes** - The number of parking spaces shall be one (1) per employee plus one (1) per resident, based on the maximum occupancy. **(Added 11/6/2009)**
- 2. **Banks and Professional Office Buildings** - One for each employee, plus one for each three hundred (300) square feet of gross floor area.
- 3. **Churches; Places of Worship** - One for each three (3) seats based on maximum seating capacity.
- 4. **Clinics** - One per staff member, including the doctors and nurses, and other employees per shift, plus one for each one hundred (100) square feet.
- 5. **Commercial Establishments** - One for each employee, plus an additional parking space for each three hundred (300) square feet of gross floor area.
- 6. **Funeral Homes** - One for each employee, plus one for each four (4) seats, or one for each fifty (50) square feet of gross floor area, whichever is greater.
- 7. **Golf Courses** - One for each employee, plus eight (8) for each green.
- 8. **Government Offices** - One for each employee, plus one for each three hundred (300) square feet.
- 9. **Home Occupation** - Four per establishment. Such parking spaces shall not be located in the front yard set back nor in the front of the dwelling unit except in the driveway. **(Amended 6/2/2006)**
- 10. (Deleted) **(Deleted 12/19/2003)**

11. **Hospice Care Programs** - The number of parking spaces shall be one (1) per employee plus one (1) per resident, based on the maximum occupancy. **(Added 11/6/2009)**
12. (Deleted) **(Deleted 12/19/2003)**
13. **Indoor Theaters** - One for each employee, plus one for each three seats.
14. **Libraries and Museums** - One for each employee, plus one for each one hundred (100) square feet of gross floor area.
15. **Nursing Homes** - The number of parking spaces shall be one (1) per employee plus one (1) per resident, based on the maximum occupancy. **(Added 11/6/2009)**
16. **Lodges and Private Meeting Halls** - One for each three (3) seats based on maximum seating capacity.
17. **Medical or Dental Offices** - One per staff member, including the doctors and nurses, and other employees, plus one for each examination room or one for each one hundred (100) square feet of gross floor area, whichever is greater.
18. **Police, Fire Stations and All Public Utilities** - One for each employee per shift.
19. **Public Meeting Halls (Auditoriums, concert halls, gymnasiums, stadiums & assembly halls)** - One for each three (3) seats or parking area equivalent to four (4) times the gross floor area whichever is greater.
20. (Deleted) **(Deleted 12/19/2003)**
21. **Restaurants, Lunch Rooms and Cafeterias** - One for each employee, plus one for each four seats or one per one hundred (100) square feet of gross floor area, whichever is greater.
22. **Schools - Elementary and Junior High School** - One for each teacher, staff and other employees, plus two (2) per classroom. In addition to those required for auditorium, gymnasium, and stadium. (See No. 16)

Senior High School, Trade Vocational, All Post High School Educational Facilities - One for each teacher, staff, and other employees, plus one per four (4) classroom seats. In addition to those required for auditorium, gymnasium, and stadium. (See No. 16).
23. **Self-Service Storage Facility** - Two for each fifty units. **(Added 12/19/2003)**
24. **Single Family Dwelling** - Two per dwelling unit.
25. **Veterinary Hospitals and All Other Institutions** - One for each staff member and employee per shift, plus one for each one hundred square feet. **(Amended 12/19/2003)**
26. **Wholesale Sales Establishments** - One for each employee, plus one for each five hundred (500) square feet of gross floor area.

903.00 Size of Parking Spaces

The width of a parking space shall be a minimum of nine (9) feet and the length shall be a minimum of twenty (20) feet. The total area of a parking space shall be a minimum of one hundred eighty (180) square feet.

ARTICLE X

SIGNS

Section

1000.00 Sign Definitions

A. Types of Signs

1. "Billboard" means an outdoor advertising device which advertises an activity, service or product located on a lot other than a lot at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or individual for the purpose of selling advertising messages for profit. A billboard is an "off-premises" sign. **(Amended 8/16/2002)**
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, or home occupation, 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 uses of the building is given.
6. "Directional" means a sign indicating entrances, exits, or direction. **(Added 3/5/1999)**
7. "Governmental" means a sign located or erected by a political subdivision pursuant to law and serving an official function such as traffic control.
8. "Nameplate" means a sign indicating the name and / or address of the occupant of the premises.
9. "Political" sign (Deleted) **(Deleted 8/16/2002)**
10. "Real estate" means a sign directing attention to the promotion, development, rental, sale, or lease of real property. **(Amended 3/5/1999) (Amended 8/16/2002)**
11. "Real estate development" means a sign which advertises the sale of lots in a subdivision and may include a map of the sub-division. **(Amended 3/5/1999) (Amended 8/16/2002)**

12. "Temporary non-time limited" means a sign constructed out of non-permanent material which is erected by the owner of a premises for the purpose of drawing attention to a particular event, issue or occurrence which is not related to a particular date or time. **(Amended 3/5/1999) (Amended 8/16/2002) (Amended 11/6/2009)**
13. "Temporary time limited" sign means a sign constructed out of non-permanent material erected by the owner of a premises or others for the purpose of drawing attention to a particular event, issue or occurrence which is related to a particular date or time. **(Added 8/16/2002) (Amended 11/6/2009)**

B. Designs for 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. "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. **(Amended 5/17/2013)**
3. "Marquee" means a sign consisting of 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. **(Amended 5/17/2013)**
4. "Projecting" means a sign extending beyond the vertical surface or plane of the exterior wall of a building to which such a sign is attached. **(Amended 5/17/2013)**
5. "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. **(Amended 5/17/2013)**
6. "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. **(Amended 5/17/2013)**

1001.00 General Requirements for All Signs

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

1. Any illuminated sign shall be illuminated on the sign face and the 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. **(Amended 8/16/2002)**
2. No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.

3. No sign shall be installed, erected, or attached in any form, shape or manner to an exterior fire escape or any exterior door or window providing access to any fire escape or exit. **(Amended 8/16/2002)**
4. 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 and / or reflectors, shall not be used for the purpose of advertising or attracting attention.
5. No sign shall be placed within any public right-of-way except governmental signs.
6. 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, the owner of the sign, or lessee as appropriate, 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. **(Amended 8/16/2002)**

1002.00 Prohibited Signs in All Districts

- A. 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. **(Deleted 5/17/14)**

1003.00 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.

1004.00 Signs in the Residential District (Amended 5/17/2013)

A. Signs in the Residential District Not Requiring a Zoning Certificate: (Added 5/17/2013)

The following types and designs of signs may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in all zoning districts without a zoning certificate or fee but subject to the below regulations. In addition, No zoning certificate or fee shall be required for the change of content or subject matter of a sign provided that there is no structural or design alteration of said sign. **(Amended 5/17/2013)**

1. One (1) real estate sign per lot, dwelling unit, or use with a maximum area of five (5) square feet per sign face which advertises the sale, lease, or rental of the premises upon which such sign is located. **(Amended 3/5/1999)**
2. One (1) nameplate sign per lot, dwelling unit, or use with a maximum area of four (4) square feet per sign face indicating the name and addresses of the owners or occupants of the premises.
3. Directional (entrance and exit) signs on private property with a maximum area of four (4) square feet per sign face and containing only directional information.
4. Non-Illuminated Window Signs.
5. Temporary non-time limited signs may be erected only with the permission of the owner of the premises. Such temporary non-time limited signs shall have a maximum area of four (4) square feet per sign face and be removed or replaced within thirty (30) days to prevent the sign from becoming deteriorated. **(Added 3/5/1999) (Amended 8/16/2002) (Amended 5/17/2013)**
6. Temporary time limited signs as follows: **(Amended 5/17/2013)**
 - a. Temporary time limited signs may be erected only with the permission of the owner of the premises. The sign(s) shall not be erected more than thirty (30) days prior to a particular event, issue, or occurrence which the sign references and shall be removed within ten (10) days following that event, issue or occurrence. No temporary time limited sign shall be posted in or erected in any manner, which is destructive to property upon erection or removal. No temporary time limited sign shall be erected within a public right-of-way nor shall any such sign be posted on a utility pole. The maximum area of a temporary time limited sign shall be six (6) square feet per sign face. **(Amended 8/16/2002) (Amended 6/2/2006) (Amended 5/17/2013)**
 - b. A temporary time limited sign not in conformity with the laws of the State of Ohio or its administrative regulations shall not be posted. **(Amended 8/16/2002) (Amended 5/17/2013)**

B. Signs in the Residential District Requiring a Zoning Certificate: (Amended 5/17/2013)

1. Ground or wall 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. **(Amended 5/17/2013)**

2. Each residential dwelling may be permitted only one (1) permanent sign (including a home occupation sign) on a lot except as indicated in 1004.00(A). Such sign shall have a maximum area of four (4) square feet per sign face. **(Amended 3/5/1999) (Amended 6/2/2006) (Amended 5/17/2013)**
3. 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 regulations: **(Amended 5/17/2013)**
 - a. Churches and schools may have one (1) bulletin board sign and one (1) nameplate sign with a maximum area of twenty-five (25) square feet per sign face. **(Amended 3/5/1999) (Amended 5/17/2013)**
 - b. One (1) real estate development sign per subdivision with a maximum area of thirty-two (32) square feet per sign face which advertises the sale of lots in the subdivision upon which sign is located. **(Amended 3/5/1999) (Amended 5/17/2013)**
 - c. One (1) development sign per subdivision or premises with a maximum area of twenty-five (25) square feet per sign face. Such sign shall be maintained by the owner of the real property upon which the sign is located. **(Amended 3/5/1999) (Amended 5/17/2013)**
4. No sign shall be illuminated by electricity, gas, or other artificial light, including reflecting or phosphorescent light, in any residential zoning district. **(Amended 5/17/2013)**
5. The maximum height of the 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, and shall not exceed seven and a half (7½) feet. **(Added 11/6/2009) (Amended 5/17/2013)**

1005.00 Signs in the Commercial District (Amended 5/17/13)

A. Signs in the Commercial District Not Requiring a Zoning Certificate (Amended 5/17/2013)

The following types and designs of signs may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in all zoning districts without a zoning certificate or fee but subject to the below regulations. In addition, no zoning certificate or fee shall be required for the change of content or subject matter of a sign provided that there is no structural or design alteration of said sign. **(Amended 5/17/2013)**

1. One (1) real estate sign per lot, dwelling unit, or use with a maximum area of five (5) square feet per sign face which advertises the sale, lease, or rental of the premises upon which such sign is located. **(Added 5/17/2013)**
2. One (1) nameplate sign per lot, dwelling unit, or use with a maximum area of four (4) square feet per sign face indicating the name and addresses of the owners or occupants of the premises. **(Added 5/17/2013)**

3. Directional (entrance and exit) signs on private property with a maximum area of four (4) square feet per sign face and containing only directional information. **(Added 5/17/2013)**
4. Non-Illuminated Window Signs. **(Added 5/17/2013)**
5. Temporary non-time limited signs may be erected only with the permission of the owner of the premises. Such temporary non-time limited signs shall have a maximum area of four (4) square feet per sign face and be removed or replaced within thirty (30) days to prevent the sign from becoming deteriorated. **(Added 5/17/2013)**
6. Temporary time limited signs as follows: **(Added 5/17/2013)**
 - a. Temporary time limited signs may be erected only with the permission of the owner of the premises. The sign(s) shall not be erected more than thirty (30) days prior to a particular event, issue, or occurrence which the sign references and shall be removed within ten (10) days following that event, issue or occurrence. No temporary time limited sign shall be posted in or erected in any manner, which is destructive to property upon erection or removal. No temporary time limited sign shall be erected within a public right-of-way nor shall any such sign be posted on a utility pole. The maximum area of a temporary time limited sign shall be six (6) square feet per sign face. **(Added 5/17/2013)**
 - b. A temporary time limited sign not in conformity with the laws of the State of Ohio or its administrative regulations shall not be posted. **(Added 5/17/2013)**

B. Signs in the Commercial District Requiring a Zoning Certificate (Added 5/17/2013)

1. Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial zoning districts upon the issuance of a zoning certificate and subject to the following regulations: **(Added 5/17/2013)**
 - a. Bulletin board signs - The surface or face of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not displaying advertising matter shall not be included in computation of surface area. 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. **(Added 5/17/2013)**
 - b. Business or professional signs - The surface or face of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not displaying advertising matter shall not be included in computation of surface area. 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. **(Added 5/17/2013)**

- c. Directory Signs - The surface or face of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not displaying advertising matter shall not be included in computation of surface area. 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. **(Added 5/17/2013)**
2. Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial zoning district subject to the following regulations: **(Amended 5/17/2013)**

Each commercial use may be permitted one (1) of the following signs on the premises: **(Amended 5/17/2013)**

- a. Wall signs shall have a maximum area of eighteen (18) square feet and shall not exceed the height of the wall face to which such signs are attached. **(Amended 5/17/2013)**
 - b. Projecting signs shall have a maximum area of eighteen (18) square feet per sign face, shall not extend more than one (1) foot measured from the face of the building to which such sign is attached, and shall not exceed the height of the wall face to which such signs are attached. **(Amended 5/17/2013)**
 - c. Marquee signs shall have a maximum area of twenty-five (25) square feet per sign face, shall not extend more than eight (8) feet measured from the face of the building to which such sign is attached, and shall not exceed the height of the wall face to which such signs are attached. **(Amended 5/17/2013)**
 - d. In addition to a wall, projecting, or marquee sign each commercial use may be permitted one (1) ground sign on the premises subject to the following regulations: **(Amended 5/17/2013)**
 - (1) Ground sign shall not exceed eighteen (18) square feet per sign face in area. **(Amended 8/16/2002) (Amended 5/17/2013)**
 - (2) Ground signs shall have a minimum setback of five (5) feet from the front lot line. **(Amended 5/17/2013)**
 - (3) Ground signs shall have a minimum setback of twenty-five (25) feet from the side lot lines. **(Amended 5/17/2013)**
 - (4) Ground signs shall be located at least fifty (50) feet from the intersection of two (2) or more streets, measured from the street right-of-way lines. **(Amended 5/17/2013)**
3. In lieu of the permitted ground sign in paragraph 2(d) above, one (1) or more groups of commercial 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 thirty-two (32) square feet per sign face. **(Amended 8/16/2002) (Amended 5/17/2013)**

C. Signs in the Commercial District Requiring a Conditional Use Zoning Certificate (Entire Section Added 5/17/2013)

1. Billboard - Conditional Zoning Certificate Required

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

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

2. Conditions

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

- a. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in one direction. There shall not be more than one (1) billboard structure with a maximum of two (2) sign faces on a lot.
- b. Billboards shall be spaced a minimum of five hundred (500) feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the township where the affected road extends beyond such boundaries.
- c. A billboard shall be setback a minimum of one hundred (100) feet from any residential zoning district boundary. The setback shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.
- d. A billboard shall be setback a minimum of one hundred (100) feet from an existing residential dwelling, a church or place of worship, a cemetery, a school, a public park or playground, a public library or a day care center. The setback shall be measured from the nearest lot line to the nearest portion of a billboard.

- e. A billboard shall be setback a minimum of twenty five (25) feet from any front lot line. The setback shall be measured from the front lot line of the nearest portion of the billboard.
- f. A billboard shall be setback a minimum of twenty five (25) feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
- g. A billboard shall be setback a minimum of one hundred (100) feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.
- h. A billboard shall be setback a minimum of one hundred (100) feet from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
- i. A billboard shall be setback a minimum of twenty-five (25) feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of a billboard.
- j. The maximum height of a billboard shall be twenty (20) feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.
- k. The maximum sign face of a billboard shall be seventy-two (72) square feet.
- l. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.
- m. No billboard shall project over any driveway.
- n. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of any abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ lighting of a constant intensity. Flashing, rotating or oscillating lighting shall be prohibited. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device or signal.
- o. All wiring, fittings, and materials used in the construction, connection and operation of a billboard shall comply with the applicable provisions of the building and electrical codes enforced by the Geauga County Building Department. Proof of compliance with such codes shall be provided by the applicant.
- p. The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.
- q. A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Flood Insurance Rate Maps of Geauga County.

- r. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.
- s. The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.

ARTICLE XI

NONCONFORMING USES, BUILDINGS, STRUCTURES AND SUBDIVISIONS

Section

1100.00 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 enactment of the zoning resolution or amendment thereto, may be continued, although such use does not conform with the 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 zoning resolution or amendment thereto.

1100.01 Reasonable Terms (Added 12/19/2003)

The completion, restoration, reconstruction, extension, or substitution of nonconforming uses shall be considered upon such reasonable terms as set forth in this resolution. **(Added 12/19/2003)**

1100.02 Completion (Amended 12/19/2003)

The construction of any dwelling, building, or structure which commenced prior to effective date of the zoning 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 1100.00 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. **(Amended 12/19/2003)**

1100.03 Restoration (Amended 12/19/2003)

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.

1100.04 Repair and Replacement (Added 12/19/2003)

- 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. **(Added 12/19/2003)**
- 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. **(Added 12/19/2003)**
- 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. **(Added 12/19/2003)**

1100.05 Reconstruction (Amended 12/19/2003)

- A. Should a nonconforming building or structure or nonconforming portion of a building or structure be totally destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution. **(Amended 12/19/2003)**
- B. Should a building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulation for the district in which it is located after it is moved. **(Added 12/19/2003)**

1100.06 Extension (Amended 12/19/2003)

- A. No lawful nonconforming building or structure may be enlarged, altered, or relocated in a way which increases its nonconformity except as in 1100.04 Section B, but any building, structure or portion thereof, may be altered, or relocated to decrease its nonconformity. **(Amended 3/5/1999) (Amended 1/16/2009)**
- B. A lawful nonconforming building or structure may be enlarged if the proposed building or structure meets the following regulations: **(Added 3/5/1999) (Amended 12/19/2003)**
 - 1. The proposed building or structure creates no greater non-conformity of the side yard than that of the existing building or structure and otherwise is in conformity with all regulations of the zoning resolution or amendments thereto in effect at the time of application for a zoning certificate. **(Added 3/5/1999) (Amended 12/19/2003)**
 - 2. The proposed building or structure meets the front and rear yard requirements of the zoning resolution or amendment thereto in effect at the time of application for a zoning certificate. **(Added 3/5/1999)**
- C. No lawful nonconforming uses shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time of the effective date of this resolution or amendment thereto. **(Amended 12/19/2003)**

- D. 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.
- E. No additional building or structure not conforming to the requirements of this resolution or amendment thereto shall be erected in connection with such nonconforming use of land. **(Amended 12/19/2003)**
- F. No existing building or structure devoted to a use not permitted herein 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.
- G. 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 effective date of this resolution or amendment thereto, but no such use shall be extended to occupy any land outside such building or structure.
- H. 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.

1100.07 Substitution (Amended 12/19/2003)

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. **(Amended 12/19/2003)**

1100.08 Nonconforming Lot of Record

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

- A. It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.
- B. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.
- C. The amount of nonconformity has not been increased since it became nonconforming.
- D. Deleted **(Deleted 12/19/2003)**
- E. It complies with all other regulations set forth herein, except minimum lot area and minimum lot width.

1100.09 Nonconforming Subdivisions

In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any subplot as shown on a final plat of a subdivision approved by the county planning commission pursuant to R.C. 711.10 with a lot area or lot width less than the minimum prescribed herein, which meets all of the following:

- A. The subplot was shown on a final plat of a subdivision which was approved by the county planning commission pursuant to R.C. 711.10 prior to date of enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.
- B. If required by the regulations adopted by the board of county commissioners pursuant to R.C. 711.101, a construction plan for the improvements to be constructed within the final plat showing the subplot was approved by the board of county commissioners prior to the effective date of the zoning resolution or amendment thereto which resulted in its nonconformity.
- C. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time of the date of enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.
- D. The amount of nonconformity has not been increased since it became nonconforming.
- E. The subplot complies with all other regulations set forth herein, except minimum lot area and minimum lot width.
- F. The subplot is shown on a plat which was recorded in the office of the county recorder within two (2) years after the date of enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.

ARTICLE XII
ADMINISTRATION

Section

1200.00 Chardon Township Zoning Inspector

1200.01 Position of Zoning Inspector Established

For the purpose of enforcing these zoning regulations the position of 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 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.

1200.02 Zoning Inspector's Bond

The zoning inspector, before entering upon the duties of his office, shall give bond in accordance with the Ohio Revised Code.

1200.03 Duties of Zoning Inspector

It shall be the duty of the zoning inspector to enforce the zoning regulations contained in this resolution. In order to fulfill this duty, the zoning inspector shall:

- A. Provide applications for zoning certificates to those persons who wish to apply for a zoning certificate.
- B. Receive and act upon applications for zoning certificates.
- 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 1301.01.
- F. Make inspections as required to fulfill his duties.
- G. Upon finding that any provision of this resolution is being violated, 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 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 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 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 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, promptly transmit to the board of zoning appeals all the papers constituting the record upon which action appealed from was taken.
- L. Safely keep and deposit all fees and monies received by him with the township fiscal officer within twenty-four (24) consecutive hours of receipt pursuant to R.C. 117.17. **(Amended 6/15/17)**
- M. Review proposed preliminary major subdivision plans and final major subdivision plats pursuant to R.C. Section 711.10 and the "Subdivision Regulations of Geauga County, Ohio" and sign and date the original Mylar of such plans or plats to ensure proof of compliance with the applicable provisions of this resolution. **(Added 12/16/2010)**
- 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. **(Added 12/16/2010)**

1201.00 Chardon Township Zoning Commission

1201.01 Zoning Commission Created

The board of township trustees has created and established a zoning commission in accordance with the Ohio Revised Code.

1201.02 Recommendations of 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 township.

- B. The zoning commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies. 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 XIV.

1202.00 Chardon Township Board of Zoning Appeals

1202.01 Board of Zoning Appeals Created

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

The 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.

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.

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

1202.02 Powers of Board of Zoning Appeals

The board of zoning appeals may:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of Sections 519.02 to 519.25 of the Ohio Revised Code or of this resolution.
- B. Authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done. **(Amended 1/4/1992; 12/16/2010)**
- C. Grant conditional zoning certificates for the use of land, buildings, or other structures in accordance with this resolution.
- D. Revoke an authorized conditional zoning certificate if any condition of the certificate is violated.

The board of zoning appeals shall notify the holder of the certificate by certified mail of its intent to revoke the certificate under subsection "D" of 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 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 certificate without a hearing. The authority to revoke a certificate is in addition to any other means of zoning enforcement provided by law. **(Amended 8/4/2000)**

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

1202.03 Rules, Organization, and Meetings of Board of Zoning Appeals

- A. The board of zoning appeals shall organize and adopt rules in accordance with this zoning resolution. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such times as the board of zoning appeals determines. The chairman, or in his 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.

1202.04 Procedures of Board of Zoning Appeals

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

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

All notices of appeal shall contain the following language:

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

All completed notices of appeal shall be filed with the zoning inspector and the board of zoning appeals and shall include, at a minimum, the following information:

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 property, if different from the appellant's current address.
4. If zoning inspector requests, documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease, or purchase agreement).
5. If zoning inspector requests, a legal description of the property, as recorded with the Geauga County Recorder.
6. The current zoning district in which the property is located.
7. A description of the existing use of the property.
8. A description of the proposed use of the property.
9. Two (2) copies of a plan or map, drawn to scale, with dimensions in feet, a north arrow and date showing the following information:
 - a. The dimensions of all property lines and the total acreage of the property.
 - b. The dimensions of any existing buildings or structures on the property.
 - c. The setback from all property lines of any existing buildings or structures on the property.
 - d. The dimensions of proposed buildings or structures on the property 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 property or of any addition or structural alteration to existing buildings or structures.
 - f. The setback from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.

- g. The height of existing buildings or structures on the property.
 - h. The height of proposed buildings or structures on the property 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 property.
 - j. The number of any dwelling units existing and proposed for the property.
 - k. The location, dimensions, and number of any existing and proposed parking spaces.
 - l. For commercial and industrial uses: the location, dimensions, and number of loading / unloading spaces.
 - m. The location and dimensions of any existing or proposed easements on the property.
 - n. The location of any gas or oil wells and related storage tanks on the property.
10. The number of the application for the zoning certificate.
11. 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 dimensions in feet, a north arrow and date, showing:
 - 1) The dimensions of the sign.
 - 2) The area of the sign in square feet.
 - 3) The location of the sign on the building, structure, or property including dimensions from the front and side lot lines.
 - 4) The height of the sign.
 - 5) The method of illumination, if any.
 - 6) The content of the sign.
12. 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.
13. For notices of appeal requesting a variance, the appellant or his 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. **(Amended 3/17/2005)**
- 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. **(Amended 12/15/1995)**
 - 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. **(Amended 3/17/2005)**
 - b) Whether the variance is substantial.
 - c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining lots would suffer a substantial detriment as a result of the variance. **(Amended 3/17/2005)**
 - d) Whether the variance would adversely affect the delivery of governmental services.
 - e) Whether the property owner purchased the lot with the knowledge of the zoning restriction. **(Amended 3/17/2005)**
 - f) Whether the lot owner’s predicament feasibly can be obviated through some method other than a variance. **(Amended 3/17/2005)**
 - g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 - h) Such other criteria which the Board believes relates to determining whether the zoning regulation is equitable.
 - 2) Standards for a “use” variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered shall include all, but not limited to, the following: **(Amended 12/16/2010)**
 - 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. **(Amended 3/17/2005)**
 - b) The hardship condition is not created by actions of the applicant. **(Amended 3/17/2005)**

- c) The granting of the variance will not adversely affect the rights of adjacent owners. **(Amended 3/17/2005)**
- d) The granting of the variance will not adversely affect the public health, safety or general welfare. **(Amended 3/17/2005)**
- e) The variance will be consistent with the general spirit and intent of the zoning resolution including the comprehensive plan. **(Amended 3/17/2005)**
- f) The variance sought is the minimum which will afford relief to the applicant. **(Added 3/17/2005)**
- g) There is no other economically viable use which is permitted in the zoning district. **(Added 3/17/2005)**

14. The appeal fee.

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

The board of zoning appeals shall give at least ten (10) day 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.

- 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 absence the acting chairman of the board of zoning appeals.
 - 3. A party in interest shall be allowed:
 - a. To present his 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 position, arguments and contentions;

- d. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments and contentions;
 - e. To proffer any such evidence into the record, even if the admission thereof were denied by the officer or body appealed from.
 4. The board of zoning appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.
 5. An accurate record of the proceedings shall be kept and preserved by the board of zoning appeals.
- E. Decisions of the board of zoning appeals shall be in accordance with the following:
 1. All decisions shall include conclusions of fact of the board in support of the decision.
 2. A decision of the board and the adoption of conclusions of fact shall be made at a public meeting of the board. The decision and the conclusions of fact of the board shall be in writing and signed at a public meeting of the board by all members voting affirmatively thereon no later than thirty (30) days from the last date of public hearing.
 3. The original written decision and conclusions of fact of the board of zoning appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by the board of zoning appeals with the township fiscal officer within (5) days of the signing of the written decision and conclusions of fact by the board of zoning appeals. **(Amended 6/15/17)**
 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, the appellant and all parties in interest.
 5. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry (the date when the board of zoning appeals signs the minutes from the meeting where the decision was made) as provided in R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R.C. Chapter 2506. **(Amended 12/16/2010)**

ARTICLE XIII

ENFORCEMENT

Section

1300.00 Circumstances Requiring Zoning Certificate

- 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 spaces than herein required, or in any other manner be contrary to the provisions of this resolution.

- C. No lot or yard existing at the time of the effective date of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.

1300.01 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 property 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 property as recorded with the Geauga County Recorder.
- F. The current zoning district in which the property is located.
- G. A description of the existing use of the property.
- H. A description of the proposed use of the property.
- I. One (1) copy of a plan or map, drawn to scale, with dimensions in feet, a north arrow and date showing the following information:
 - 1. The dimensions of all property lines and the total acreage of the property.
 - 2. The dimensions of any existing buildings or structures on the property.
 - 3. The setback from all property lines of any existing buildings or structures on the property.
 - 4. The dimensions of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - 5. The total square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - 6. The setback from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - 7. The height of existing buildings or structures on the property.
 - 8. The height of proposed buildings or structures on the property 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 property.
 - 10. The number of any existing and proposed dwelling units for the property.

11. The location, dimensions, and number of any existing and proposed parking spaces.
 12. For commercial and industrial uses: The location, dimensions, and number of loading / unloading spaces.
 13. The location and dimensions of any existing or proposed easements on the property.
 14. The location of any gas or oil wells and related storage tanks on the property.
- J. Provide the type and design of any sign(s).
1. One (1) copy of a drawing or map, drawn to scale with dimensions in feet, a north arrow and date showing:
 - a. The dimensions of the sign.
 - b. The area of the sign in square feet.
 - c. The location of the sign on the building, structure, or property including distances from the front and side lot lines.
 - d. The height of the sign.
 - e. The method of illumination, if any.
 - f. The content of the sign.
- K. The application fee.

1300.02 Action by Zoning Inspector on Application for Zoning Certificate

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

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

One (1) copy of the plans submitted with the application shall be returned to the applicant by the zoning inspector, after the zoning inspector has marked said copy either approved or disapproved and attested to the same by his 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.

1300.03 Submission to Director of Ohio Department of Transportation

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

The zoning inspector shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the Director. If the Director of Transportation notifies the zoning inspector that he 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) day period or any extension thereof agreed upon by the Director and the property owner, the zoning inspector shall act upon the application in accordance with the provisions of this resolution.

1300.04 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 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 of issuance.

When a zoning certificate has been declared revoked by the zoning inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the zoning certificate. Such notice shall set forth the reason(s) for the revocation of the zoning certificate as well as the applicant's right to appeal to the township board of zoning appeals in accordance with Article XII 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.

1301.01 Complaints Regarding Violations

Whenever an alleged violation of this resolution occurs any person may file a written and signed 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.

1301.02 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 or supplement to this resolution. Each day's continuation of a violation of this resolution may be deemed a separate offense.

1301.03 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 property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

ARTICLE XIV

AMENDMENTS

Section

1400.00 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.

1401.00 Contents for Amendments 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 property, if different from the applicant's current address.
- C. Description of the present use of the property.
- D. Description of the present zoning classification of the property.
- E. The text of the proposed amendment.
- F. The proposed zoning district, if applicable.
- G. A legal description of the real property subject of the proposed amendment.
- H. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the property.
- 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 relates to the township land use plan.

- K. A list of the addresses from the county auditor's current tax list of all property owners 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.

- L. The application fee, as established by resolution of the board of township trustees, to defray the costs of advertising, mailing and other expenses.

1402.00 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 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 property owner, the board of township trustees shall proceed as required by the Ohio Revised Code.

ARTICLE XV
OIL AND GAS WELLS

Section

1500.00 Definitions

For the purposes of this article, words used herein shall be defined as follows:

- A. "Brine" means all saline geological formation water resulting, obtained, or produced in connection with the exploration, drilling, or production of oil or gas wells.
- B. "Drilling unit" means the minimum acreage on which one (1) well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.
- C. "Gas" means all natural gas and all other fluid hydrocarbons not defined as oil, including condensate.
- D. "Oil" means a crude petroleum oil and all other hydrocarbons regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.
- E. "Owner" means the person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom either for himself or for others.
- F. "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.
- G. "Tract" means a single, individually taxed parcel of land appearing on the county auditor's tax duplicate.
- H. "Waste" shall include the following:
 - 1. Physical waste, as such term is generally understood in the oil and gas industry;
 - 2. Inefficient, excessive, or improper use, or the unnecessary dissipation of reservoir energy;
 - 3. Inefficient storing of oil or gas;
 - 4. Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent

and proper operations from the pool into which it is drilled, or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;

5. Other underground or surface waste in the production or storage of oil, gas or condensate, however caused.

I. "Well" means any borehole, whether drilled or bored, within the township, for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines or oil field waters.

1500.01 Exemption from Requirement for Zoning Certificate

No zoning certificate shall be required by this resolution for the drilling, operation, production, plugging, or abandonment of any oil or gas well.

1500.02 Exemption from Fees, Bond or Other Security, or Insurance

This resolution shall not require any fee, bond or other security, or insurance for any activity associated with the drilling, operation, production, plugging, or abandonment of well, except for the permit provided for in Section 4513.34 of the Ohio Revised Code, and any bond or other security associated therewith.

1500.03 Exemption from Acreage and Distance Requirements

No minimum acreage requirements for drilling units, and minimum distances from which a new well may be drilled or an existing well deepened, plugged back, or reopened to a source of supply different from the existing pool from streets, roads, highways, railroad tracks, or the restoration or plugging of an oil and gas well shall be required by this resolution.

1500.04 Health and Safety Standards for the Exploration, Drilling, Production, and Abandonment of Oil and Gas Wells

The health and safety standards for the exploration, drilling, production, and abandonment of oil and gas wells as provided under Chapter 1509 of the Ohio Revised Code and Chapter 1501 of the Ohio Administrative Code (Rules of the Division of Oil and Gas of the Ohio Department of Natural Resources) are hereby incorporated and made a part of this resolution and shall be enforced by the township zoning inspector.

1500.05 Notification of Commencement of Operation

At least seven (7) days prior to the commencement of any operation to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose or plug back a well to a different source of supply the owner shall provide a copy of the information required by Section 1509.06 of the Ohio Revised Code to the township zoning inspector.

The owner shall also provide the zoning inspector with the name of a person(s) and the telephone number of such person(s) authorized to act on behalf of the owner in the event of an emergency, including but not limited to, fire, oil, or brine spills, and damage to persons or property.

Copies of the information required by this section shall be distributed by the zoning inspector to the board of township trustees and to the chief of all fire departments serving the township.

1500.06 Distance of Wells from Dwellings and Public Buildings

- A. No well shall be drilled nearer than one hundred (100) feet to any dwelling.
- B. No dwelling shall be located nearer than one hundred (100) feet to any well.
- C. No well shall be drilled nearer than one hundred (100) feet to any building or structure which may be used as a place or resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.
- D. No building or structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public shall be located nearer than one hundred (100) feet to any well.

1500.07 Distance of Storage Tanks from Dwellings and Public Buildings and Roads

- A. No permanent storage tanks shall be located nearer than one hundred (100) feet to any building.
- B. No dwelling shall be located nearer than one hundred (100) feet to any permanent storage tanks.
- C. No permanent storage tanks shall be located nearer than one hundred (100) feet to any building or structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.
- D. No building or structure which may be used as a place or resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public shall be located nearer than one hundred (100) feet to any permanent storage tanks.
- E. No permanent storage tanks shall be located nearer than fifty (50) feet to the right-of-way line of any public or private road.

1500.08 Diking

Any vessel, including tanks utilized for the accumulation or storage of oil or waste products at the wellsite, production, or storage area shall be surrounded by an earthen dike with a capacity two (2) times that of the storage container. The dike shall be constructed and compacted in such a manner

as to contain any spillage. All dikes shall have at least two (2) layers of non-porous liners. These liners shall be of a material of sufficient strength to assure their integrity.

In locations where dikes may be damaged by storm runoff, a diversionary swale shall be constructed to prevent damage to the containment dikes.

1500.09 Waste Disposal

No person shall conduct any well drilling, production, or transmission operation that contaminates or pollutes the land or any surface or ground water. All waste substances shall be held in completely enclosed above-ground steel holding tanks. No salt water (brine), sludge, frac-water, or any other oil field wastes shall be deposited or discharged in the township for any purpose, except into an authorized deep injection well in accordance with Chapter 1509 of the Ohio Revised Code and Chapter 1501 of the Ohio Administrative Code (Rules of the Division of Oil and Gas of the Ohio Department of Natural Resources). Annular disposal shall be prohibited.

1500.10 Fencing

Prior to the initiation of production, all permanent production and storage facilities shall be entirely enclosed by a chain link fence not less than six (6) feet in height. All gates shall be secured at all times to prevent unauthorized access.

1500.11 Access Drives

The minimum width of all access drives to any well or permanent production and storage facilities shall be twelve (12) feet. Such access drives shall have a gate near the entrance. All gates shall be closed and padlocked at all times.

Such access drives shall be properly graded and constructed with a gravel base and shall be maintained so as to be dust free and passable in all seasons and weather conditions.

There shall be a turnaround of sufficient size for emergency vehicles.

Any mud, debris, or trash tracked or deposited on public roads or property shall be removed by the well owner or operator immediately.

Where access drives cross natural or man-made drainage channels, culverts shall be installed. Culverts shall be sized according to the drainage area and approved prior to installation by the township road general foreman.

1500.12 Burial of Lines

All gas and oil transmission lines, including the lines to the lessor's home or business, shall be buried at a minimum depth of twenty-four (24) inches. A map shall be drawn showing the exact location and depth of all the lines and copies of the map deposited with the township zoning inspector, township fire department, and the property owner.

1500.13 Signs

Prior to drilling, a permanent sign shall be posted at the access drive entrance, and shall show the road number, owner, lessee's name, well number, permit number and all emergency telephone numbers.

1500.14 Zoning Inspection

The Chardon Township Zoning Inspector may inspect oil and gas wells and storage facilities at any time to insure compliance with local zoning regulations.

ARTICLE XVI
(Amended 6/15/17)

ALTERNATIVE ENERGY

1600.00 Solar Panels

1600.01 Definitions

- A. **“Freestanding Solar Panel”** – Freestanding Solar Panel means a solar panel or an array of solar panels that is not attached to a building and is mounted on a structure attached to the ground.
- B. **“Roof Mounted Solar Panel”** – Roof Mounted Solar Panel means a solar panel or an array of solar panels attached to the roof of a principal or accessory building.
- C. **“Solar Panel”** – Solar Panel means a photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating.
- D. **“Solar Panel Array”** – Solar Panel Array means an integrated assembly of solar panels with a support structure or foundation and other components.

1600.02 Permitted Use

A solar panel or a solar panel array, whether freestanding or roof mounted, shall be classified as a permitted use in all zoning districts. For solar panels or solar panel array generating more than 24v, a site plan shall be required to be filed with an application for a zoning permit for this use, and shall be subject to the following regulations:

- A. Roof mounted solar panels and solar panel arrays.
 - 1. Roof line: Shall not extend beyond the roof line in any direction including the peak.
 - 2. Roof projection: Shall not reflect any apparent change in relief or projection of any roof elevation.
 - 3. Roof height projection: On a flat roof, shall not project vertically more than thirty-five (35) feet from the finished grade level measured from the base of the building. Refer to Section 500.08 Maximum Height.
 - 4. Rated capacity: Solar panels or solar panel arrays shall have a maximum rated output capacity of 20kW as specified by the manufacturer
 - 5. Glare: Shall not be positioned so as to create glare on to adjacent roads or buildings on adjacent lots.

6. Decommissioning: Shall be completely removed within twelve (12) months of discontinuance of use.
7. Other codes: Shall be installed in accordance with all applicable building and electrical codes.
8. Notice to Fire Department: Chardon Township Zoning Inspector shall notify the Chardon Fire Department of all roof mounted solar panels and solar arrays installed and provide a copy of all drawings submitted by the Applicant.
9. Other Regulations: Shall be in accordance with all other applicable regulations for the zoning district in which it is located.

B. Freestanding solar panels and solar panel arrays.

1. Height: Maximum height shall be twenty (20) feet measured vertically from the finished grade level immediately adjacent to the mounting base of the solar panel to its highest point. A solar panel shall be subordinate in size and height to the building it serves.
2. Lot coverage: Maximum lot coverage shall be twenty percent (20%), measured as the area of the face of the solar panels.
3. Rated capacity: Solar panels or solar panel arrays shall have a maximum rated output capacity of 20kW as specified by the manufacturer.
4. Glare: Shall not be positioned so as to create glare on to adjacent roads or buildings on adjacent lots.
5. Other codes: Shall be installed in accordance with all applicable building and electrical codes.
6. Decommissioning: Shall be completely removed within twelve (12) months of discontinuance of use.
7. Notice to Fire Department: Chardon Township Zoning Inspector notify the Chardon Fire Department of all free standing solar panels and solar arrays installed and provide a copy of all drawings submitted by the Applicant.
8. Other Regulations: Shall be in accordance with all other applicable regulations for the zoning district in which it is located.

1601.00 Wind Energy Conversion System (“WECS”)

1601.01 Definitions

- A. **“Lattice Tower”** – Lattice Tower means a framework or structure of crossed metal strips typically resting on three (3) or more members constructed vertically.
- B. **“Monopole”** – Monopole means a single, slender and typically cylindrical, vertical structure.
- C. **“Shadow Flicker”** Shadow Flicker means the on and off shadow effect caused when the sun passes behind the blades attached to a wind turbine that is cast across the ground, buildings, or structures.
- D. **“Wind Energy Conversion System (WECS)”** – Wind Energy Conversion System (WECS) means equipment that converts and then stores or transforms kinetic energy from the wind into usable forms of energy. Such equipment includes, but is not limited to, an anchor base, airfoil, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wiring, inverter, batteries, or any other components used in the system. A WECS may include equipment that is used for pond aeration and/or pumping water.
- E. **“Wind Energy Conversion System Tower”** – Wind Energy Conversion System Tower means a monopole that may be freestanding or attached to a building that supports a wind turbine.
- F. **“Wind Turbine”** – Wind Turbine means the parts of a wind energy conversion system including the blades or airfoils and associated mechanical and electrical conversion components mounted to a wind tower or a building.

1601.02 Conditional Use

Any Wind Energy Conversion System (“WECS”) with 24v or less, whether freestanding or mounted to a building, shall be classified as a permitted use and the following conditions do not apply. Any WECS with greater than 24v output, whether freestanding or mounted to a building, shall be classified as a conditional use in the Residential and Commercial zoning district(s) and shall be subject to the following conditions:

- A. Conditions for any WECS with greater than 24v output:
 - 1. Accessory use: A WECS shall be classified as an accessory use on a lot.
 - 2. Connection: A WECS is intended to reduce or replace on-site consumption of utility power. It supplies electrical power solely for on-site use, except that when a lot on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company by connection to the electrical grid.

3. Number: There shall be no more than one WECS on a lot.
4. Minimum setback from lot lines: A WECS shall be setback a minimum distance equal to 1.5 times its total height measured from all lot lines. Total height shall mean the vertical distance measured from the finished grade level at the base of the tower to the tip of the WECS blade or airfoil at its highest point. A WECS tower shall not have guy wires attached to it and shall be of monopole construction only. Lattice towers are prohibited.
5. No WECS shall be located within a designated one hundred (100) year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Geauga County.
6. No WECS shall be located within a wetland as defined by federal law.
7. Clearance: No portion of a WECS including blades shall extend within thirty-five (35) feet of the ground. No portion of a WECS may extend over parking areas, driveways, or overhead utility lines. No above ground utility lines maybe within the fall zone of the WECS.
8. Lighting: A WECS shall not be artificially lighted unless required by Federal Aviation Administration (FAA) regulations.
9. No advertising sign(s) shall be permitted anywhere on a WECS, equipment building, and appurtenances or on the site.
10. A permanent warning sign with a minimum size of two (2) square feet and a maximum size of six (6) square feet shall be posted on the site as well as the emergency telephone number of the owner. The owner shall also provide the Chardon Volunteer Fire Department, Inc., the Geauga County Sheriff's Department, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency.
11. Wiring: All wiring from a WECS to any buildings, structures or connections shall be underground.
12. Color: A WECS shall be a non-reflective neutral color.
13. Maintenance: A WECS shall be maintained in working condition at all times, shall be structurally sound and free of surface defects.
14. Compliance with other regulations: The owner shall be responsible to secure any necessary approvals and inspections from other applicable departments and agencies; including but not limited to, the county building department, the fire department, and the Federal Aviation Administration ("FAA").

15. Over-speed controls: A WECS shall be equipped with manual and automatic over- speed controls to retain blade rotation speed within design limits.
16. The maximum height of any WECS shall be 125 feet. For the purpose of this particular zoning item, maximum height shall be considered the total height of the wind turbine system including the tower, and the maximum vertical height of the wind turbine's blades. Maximum height therefore shall be calculated by measuring the length of a blade at maximum vertical rotation to the ground.
17. Rated capacity: A WECS shall have a maximum rated output capacity of 20kW as specified by the manufacturer.
18. A security fence not less than eight (8) feet in height shall fully enclose the base of the WECS or climbing rungs eight (8) feet or higher. Gates shall be locked at all times.
19. A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between the security fence surrounding WECS and the public rights-of-way and any adjacent properties from which a direct view can be had of the WECS, other than the tower itself. The fifteen (15) foot landscaped buffer shall have a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.
20. There shall be no outdoor storage of equipment or other items on the site except during the facility construction period and to supply emergency power to the facility only during a power outage.
21. Driveways: Any driveway(s) for ingress/egress to a WECS shall be constructed of a suitable all-weather surface consisting of aggregate material, asphalt, or concrete, shall be a minimum width of 12 feet and shall be setback a minimum of 20 feet from all lot lines. Turnaround area(s) of a suitable size for firefighting and emergency vehicles shall be provided.
22. Meteorological device: A meteorological device may be used to collect wind measurement data prior to the location of a WECS on a lot. A meteorological device shall be a temporary use and shall be completely removed from the affected lot within one (1) year after its installation.
23. Mounting on a building: If mounted to a building other than a tower, a WECS shall comply with all of the applicable conditions set forth herein.
24. Application and site plan: In addition to other applicable requirements set forth in Article VIII, Section 800.01 (conditional use), a site plan drawn to scale shall be required and shall depict all of the items necessary to ensure compliance with all of the conditions set forth herein. Specific information on the total height, rated power output, rotor diameter, rated noise output, directional orientation of the WECS and description of over-speed control method shall be provided. A

noise study may be required, and a shadow flicker study may be required to determine any negative impact on surrounding lots; or, buildings not on the same lot as the WECS. A Professional Engineer registered in the State of Ohio will develop the site plans and any required studies for a WECS.

25. Decommissioning: Shall be completely removed within twelve (12) months of discontinuance of use.
26. Notice to Fire Department: Chardon Township Zoning Inspector shall notify the Chardon Fire Department of all WECS installed and provide a copy of all drawings submitted by the Applicant.
27. Compliance with other provisions of zoning resolution: A WECS shall comply with all other applicable regulations for the zoning district in which it is located, including the general provisions pertaining to conditional uses in Article VIII,
28. Geauga County Public Safety Microwave Network: A WECS shall not detrimentally impact the radio signal and operation of the Geauga County public safety microwave network.
29. Additional conditions: A WECS shall be subject to such additional conditions as may be reasonably required by the board of zoning appeals as a part of its approval of a conditional zoning certificate.

ARTICLE XVII

WIRELESS TELECOMMUNICATIONS FACILITIES (Added 8/15/1997)

1700.00 Purpose

1700.01 The purpose of this Article of the Chardon Township Zoning Resolution is to regulate wireless communication facilities in order to promote public health, safety and morals and in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary, inter alia, to:

- A. Protect residential districts and land uses from potential adverse impacts of wireless telecommunication facilities;
- B. Accommodate the directives of the Federal Telecommunications Act of 1996, Public Law, 104-104, to enhance telecommunication services and competition, and particularly wireless telecommunication services,
- C. Promote collocation of wireless telecommunication antennae as an alternative to siting new telecommunication towers and appurtenances and to maximize the use of existing and approved towers and buildings to collocate new wireless telecommunication antenna(s).
- D. Maintain the rural character by minimizing the visual impact in residential areas through the use of camouflage and height restrictions.
- E. Consider the public health and safety issues surrounding wireless telecommunication towers and appurtenances, and
- F. Protect adjacent properties from potential damage from wireless telecommunication tower failure through careful siting of such structures.

1700.02 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 with the Zoning Inspector. Any decision to deny a request to place, construct, or modify wireless telecommunication 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 wireless telecommunication 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.

1701.00 Location

1701.01 Prohibited. Subject to Section 1704.00, wireless telecommunication facilities in locations not specifically listed in this Article shall not be permitted, nor shall any zoning certificate be issued therefore.

1701.02 Permitted Uses - A wireless telecommunication facility may be located in the following areas, under the following circumstances and requirements of this Article XVII and upon application for a zoning certificate and issuance of such certificate from the Zoning Inspector.

- A. The erection, construction, or replacement of a wireless telecommunication antenna(s) on a lawfully existing tower and with the necessary equipment building may be a permitted use as a collocation on such existing wireless telecommunication tower and facility.
- B. A wireless telecommunication tower facility may be located within a recorded electric high tension power line easement existing as of the effective date of this amendment. A tower located within such an easement shall not be subject to the standards set forth in Section 1702.00 B, G, L, and Y. **(Amended 8/4/2000)**
- C. Whip antennas not requiring wireless telecommunication equipment buildings are a permitted use in all zoning districts. **(Amended 8/4/2000)**

1701.03 Conditional Uses. A wireless telecommunication facility may be located in a commercial district and must demonstrate compliance with the following standards: **(Amended 8/4/2000)**

- A. There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower or structure within the geographic area to be served, including the areas set forth in Section 1701.02. With the zoning certificate application, the applicant shall list the location of every tower, building or structure and all of the areas set forth in Section 1701.02 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 an existing tower, building or structure or a technically suitable location is not available in any area set forth in Section 1701.02. If another tower, building, or structure, or an area set forth in Section 1701.02 is technically suitable, the applicant must show that they requested to collocate on the existing tower and the collocation was rejected by the owner of the tower, building 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 1701.02 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to requests for collocation, but in no event shall they respond more than thirty (30) days from the receipt of a written request for collocation. If another telecommunication tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the Township, if such a tower exists and space is available on the tower for collocation, which is owned or controlled by the applicant on reasonably reciprocal terms and the offer was not accepted. In all cases, the Township shall use its best efforts to encourage collocation; and

- B. As a condition of issuing a conditional zoning certificate to construct and operate a tower in the Township, the owner/operator of the telecommunication tower is required to allow collocation until said tower has reached full antenna capacity, but in no event fewer than two (2) additional antenna platforms of equal loading capacity to the owner's/operator's antenna platform for two (2) additional providers unrelated to the owner/operator. 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 Subsection as well as all other applicable requirements, regulation and standards set forth in Article XVII.
- C. The minimum setback from the nearest lot line to the base of the telecommunication tower shall be one hundred fifty percent (150%) of the height of the tower.
- D. The applicant will describe the techniques to be used to minimize visual impact such as height, camouflage, etc.

1702.00 General Regulations. The regulations and conditions set forth in this Resolution shall apply with respect to the location, erection, construction, reconstruction change, alteration, removal, or enlargement of a telecommunication tower and all appurtenances thereto. Except as otherwise provided in this Article, all wireless telecommunication tower facilities shall comply with the following standards:

- A. All towers shall be of a monopole design, as opposed to a lattice design. Lattice towers existing on the effective date of this provision, however, may be rebuilt as lattice towers of the same height and volume for the purpose of increasing the structural loading capacity of the tower in order to provide for collocation of additional antennas.
- B. Only one (1) wireless telecommunication tower shall be located on a lot.
- C. No telecommunication facility shall be located within a designated one hundred (100) year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Geauga County.
- D. No telecommunication facility shall be located within a wetland as defined by federal law.
- E. A telecommunication facility shall not be mounted on a building or structure listed on the National Register of Historic Places.
- F. A report shall be prepared and submitted by a qualified and 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; a detailed description of the telecommunication tower, antenna(s), equipment building, and appurtenances as well as the tower's structural loading capacity to support at least three (3) antenna platforms of equal loading capacity; and shall verify that radio frequency

(electromagnetic) emissions are within compliance with the regulations of the Federal Communications Commission (FCC).

- G. For applications for wireless telecommunication towers and related facilities, as opposed to applications for collocation of antennas and related equipment buildings(s), the applicant shall demonstrate that the proposed site is the most appropriate location for a telecommunication tower, equipment building, and appurtenances. The applicant shall submit a study by a qualified and licensed professional engineer comparing all potential host sites for the proposed facility to the subject site. The study shall include a description of such sites and a discussion of the ability or inability of the alternative sites to host a facility. Reasons for excluding an alternative site from consideration may include, but are not limited to, the following:
1. Written documentation of the property owner's refusal to locate a telecommunication facility on the site.
 2. Topographic limitations on the site.
 3. Adjacent impediments that would obstruct transmission.
 4. The physical constraints on the site that would preclude construction.
 5. Other technical limitations including a violation of federal state, or county regulations.
- H. The shared use (i.e. collocation) of pre-existing telecommunications towers and antenna facilities shall be preferred to the construction of new towers and antenna facilities. For applications for wireless telecommunication towers and related facilities, as opposed to applications for collocation of antennas and related equipment building(s), the applicant shall submit a report by a qualified and licensed professional engineer inventorying existing telecommunication facility sites within a two (2)-mile radius of the proposed site outlining the reasons each existing site may or may not be used as an alternative for collocation. The applicant shall demonstrate that collocation is not feasible for the following reasons:
1. Written documentation of the owner's refusal to allow co-location on the existing tower;
 2. The proposed equipment would exceed the structural capacity of existing and approved towers and facilities, considering the existing and currently planned uses for those facilities, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate currently planned or equivalent equipment at a reasonable cost;
 3. The proposed equipment would cause interference materially impacting the usability or other existing or currently planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost;

4. Existing or approved towers and buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;
 5. The location of existing towers or buildings are not technically suitable; and / or
 6. Collocation would violate federal, state, or county regulations.
- I. The applicant shall submit a plan documenting how the telecommunication facility will be maintained on the site in an ongoing manner that meets industry standards.
 - J. Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulations, white strobe lights shall not be permitted at night unless no other alternative is permitted by the FAA.
 - K. A security fence not less than eight (8) feet in height shall fully enclose the base of the telecommunication facility including anchors for guy wires. Gates shall be locked at all times.
 - L. A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between the security fence surrounding the wireless communication facilities and the public rights-of-way and any adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The fifteen (15) foot landscaped buffer shall have a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.
 - M. No advertising sign(s) shall be permitted anywhere on a telecommunication tower, equipment building, and appurtenances or on the site.
 - N. A permanent warning sign with a minimum size of two (2) square feet and a maximum size of six (6) square feet shall be posted on the site as well as the emergency telephone number of the owner / operator of each platform. The owner / operator shall also provide the Chardon Volunteer Fire Department, Inc., the Geauga County Sheriff's Department, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency.
 - O. There shall be no outdoor storage of equipment or other items on the site except during the facility construction period and to supply emergency power to the facility only during a power outage.
 - P. The access driveway to the wireless telecommunication facility shall, whenever feasible, be provided along with the circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the site shall be a minimum of twelve (12) feet in width with a minimum overhead clearance of eleven (11) feet and shall be setback a minimum of twenty (20) feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. A turnaround shall be provided for emergency vehicles at the site. A by-pass, adequate for emergency

vehicles, with an approachable access shall be provided for each one thousand five hundred (1,500) feet of driveway. There shall be a minimum of one (1) off-street parking space.

- Q. A telecommunication tower shall be painted a neutral color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- R. The minimum distance between a telecommunication tower and structures located off the lot the tower is located on shall be one hundred fifty percent (150%) of the height of the tower.
- S. If at any time the use of the telecommunication facility is discontinued for one hundred eighty (180) consecutive days, said facility shall be deemed abandoned. The Zoning Inspector shall notify the applicant in writing and advise that the facility must be reactivated within sixty (60) days or it must be dismantled and removed from the site and the site restored to a condition reasonably similar to the condition at the time of the issuance of the zoning certificate. This shall be done at the cost of the owner / operator. The owner / operator of the telecommunication facility shall, on no less than an annual basis from the date of issuance of the zoning certificate, file a declaration with the Zoning Inspector as to the continuing operation of every facility which is subject to Article XVII.
- T. The owner / operator of a wireless telecommunication tower shall notify the Chardon Volunteer Fire Department, Inc., by certified mail of the location and height of the proposed tower as a condition of issuance of a zoning certificate.
- U. After issuance of a zoning certificate to construct a wireless telecommunication facility, the applicant shall commence construction within one hundred eighty (180) days and shall complete construction within one (1) year or the zoning certificate shall expire.
- V. The height of a free-standing telecommunication tower, antenna, and appurtenances shall be less than two hundred (200) feet.
- W. The maximum cumulative total size of all equipment buildings accessory to a telecommunication tower or antenna on a lot shall be six hundred (600) square feet and its maximum height shall be (15) feet from building grade. Only one (1) equipment building, or the configuration of more than one (1) building to appear that there is one (1) building, shall be permitted on a lot.
- X. A telecommunication tower shall be setback a minimum of one hundred fifty percent (150%) of the height of the tower to a dwelling.
- Y. There shall be no tower erected between a public road and the principal building on a lot which is nearest to the public right-of-way.
- Z. A telecommunication 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 Article XVII of this Resolution.

1703.00 Fees

- A. Application Fee. The fees for application for zoning certificates as required by this Section shall be as specified by the Board of Township Trustees.
- B. Reimbursement of Expenses. The applicant for a wireless communication tower and / or antenna facility shall be responsible for all expenses incurred by the Township for any technical and / or engineering services deemed necessary by the Zoning Inspector, the Board of Zoning Appeals, or the Board of Township Trustees to perform the reviews and / or inspections set forth in this Article which are not covered by the application fee established by the Board of Township Trustees.

1704.00 Public Utility Exemption

- A. In the event a wireless telecommunications tower facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations of this Article XVII do not apply when the proposed location of the tower facility is in an area of the Township which is not residentially zoned. The proponent of such tower facility must file a written application with the Zoning Inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a “public utility” for purposes of this exemption:
 - 1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
 - 2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
 - 3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
 - 4. Whether the applicant conducts its operations in such a manner as to be a matter of public concern;
 - 5. Whether the good or service is vital;
 - 6. Whether there is a lack of competition in the local marketplace for the good or service;
 - 7. Whether there is regulation by a government authority and the extent of that regulation;
 - 8. Whether the applicant possesses the power of eminent domain.

- B. 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 therefore. Such decision of denial by the Zoning Inspector shall not be a final decision by the Township on this issue. Any determination by the Zoning Inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the Board of Zoning Appeals pursuant to the procedures set forth in this Zoning Resolution. The decision of the Board of Zoning Appeals shall be the final decision of the Township on this issue.
- D. In the event a wireless telecommunications tower facility is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this Zoning Resolution if it meets all of the criteria in 1, 2, and 3 below, as follows:
 - 1. All of the requirements of Subsection 1704.00 A through C are met;
 - 2. The public utility provides both of the following by certified mail:
 - a. Written notice to each owner of property, as shown on the County Auditor’s current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
 - 1) The public utility’s intent to construct the tower; and
 - 2) A description of the property sufficient to identify the proposed location; and
 - 3) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the Board of Township Trustees requesting that the provisions of this Zoning Resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and
 - b. Written notice to the Board of Township Trustees of the information specified in Subsection B.2.a. of this Section; and
 - 3. If the Board of Township Trustees receives notice from a property owner under Subsection D.2.a. (3) of this Section within the time specified in that Subsection, or if a Trustee makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under Subsection D.2.b. of this Section, the Board of Trustees shall request that the Fiscal Officer of the Township send the person proposing to construct the tower written

notice that the tower is subject to the regulations of this Zoning Resolution. The notice shall be sent no later than five (5) days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this Zoning Resolution shall apply to the tower without exception. If the Board of Township Trustees, however, receives no notice under Subsection D.2.a. of this Section within the time prescribed by that Subsection or no Trustee has an objection as provided under this Subsection D.3. within the time prescribed by this Subsection, the applicant will be exempt from the regulations of this Zoning Resolution. **(Amended 6/15/17)**

1705.00 Definitions

Antenna “Antenna” means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Collocation “Collocation” means locating wireless telecommunication antenna(s) and associated equipment from more than one provider on a single wireless telecommunication tower site.

Equipment Building Or Shelter “Equipment Building or Shelter” means the structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.

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

Monopole “Monopole” means a single, slender and typically cylindrical, vertical structure to which antennas or antenna support structures are affixed.

Personal Wireless Services “Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by 47 U.S.C. 332 (c) (7).

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

Substantial Evidence “Substantial evidence” means more than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

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

Telecommunication(s) “Telecommunication(s)” 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”.

Tower “Tower” means any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including support lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Unlicensed Wireless Service “Unlicensed wireless service” means the offering of telecommunication services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

Wireless Telecommunication Antenna “Wireless telecommunication antenna” means an antenna designed to transmit or receive telecommunications as authorized by the Federal Communications Commission (FCC) excluding amateur radio operator antennas.

Wireless Telecommunication Equipment Building “Wireless telecommunication equipment building” means the structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.

Wireless Telecommunication Facility “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.

Wireless Telecommunication Tower “Wireless telecommunication tower” means a tower including but not limited to self-supporting lattice or monopole which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

Whip Antenna “Whip antenna” means an antenna that transmits signals in 360 degrees and may also be known as omnidirectional, stick, or pipe antennas and which is up to 15 feet in height and 4 inches in diameter. **(Amended 8/4/2000)**