

Hamlden Twp. Hall
Built in 1884

Hamlden Township

HAMB DEN TOWNSHIP ZONING RESOLUTON

HAMB DEN TOWNSHIP BOARD OF TRUSTEES

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Hambden Township Zoning Resolution

Table of Contents

	<u>Page No.</u>
ARTICLE I: GENERAL PROVISIONS	1.1
Section 100.0 Title	1.1
Section 101.0 Jurisdiction	1.1
Section 102.0 Purpose of Zoning Resolution	1.1
Section 103.0 Provisions of Resolution Declared to be Minimum Requirement	1.2
Section 104.0 Powers Not Conferred by Chapter 519 of the Ohio Revised Code or this Resolution	1.2
Section 105.0 Schedule of Fees, Charges, and Expenses; and Collection Procedure	1.3
Section 106.0 First Day Excluded and Last Day included in Computing Time; Exceptions; Legal Holiday Defined	1.3
Section 107.0 Computation of Time	1.3
Section 108.0 Specific Provision Prevails Over General; Exception.....	1.3
Section 109.0 Irreconcilable Amendments.....	1.3
Section 110.0 Continuation of Prior Amendment	1.4
Section 111.0 Effect of Amendment.....	1.4
Section 112.0 Annexed Territory	1.4
Section 113.0 Severability.....	1.4
ARTICLE II: DEFINITIONS	2.1
Section 200.0 Interpretation of Terms or Words	2.1
Section 201.0 Words and Terms Defined	2.1
ARTICLE III: ZONING DISTRICTS AND OFFICIAL ZONING MAP	3.1
Section 300.0 Zoning Districts.....	3.1
Section 300.1 Description of Zoning Districts.....	3.1
Section 301.0 Official Zoning Map	3.21
Section 301.1 Location of Official Zoning Map	3.21
Section 3.01.2 Amendments to the Official Zoning Map.....	3.21
ARTICLE IV: DISTRICT REGULATIONS	4.1
Section 400.0 General.....	4.1
Section 401.0 Buildings, Structures, and Uses in all Zoning Districts	4.1
Section 402.0 R-1 Residential District.....	4.3
Section 402.1 Permitted Principal Buildings, Structures, and Uses.....	4.3

Table of Contents (Continued)

		<u>Page No.</u>
ARTICLE IV: DISTRICT REGULATIONS (CONTINUED)		
Section 402.2	Permitted Accessory Buildings, Structures, and Uses	4.3
Section 402.3	Conditional Buildings, Structures, and Uses	4.5
Section 402.4	Prohibited Buildings, Structures, and Uses	4.8
Section 402.5	Minimum Lot Area	4.9
Section 402.6	Minimum Lot Frontage and Width	4.9
Section 402.7	Minimum Yards	4.9
Section 402.8	Maximum Height.....	4.9
Section 402.9	Maximum Lot Coverage	4.10
Section 402.10	Minimum and Maximum Floor Area.....	4.10
Section 402.11	Permitted Buildings, Structures, and Uses in Required Yards	4.10
Section 402.12	Manufactured Homes	4.11
Section 402.13	Rear Lot	4.12
Section 402.14	Adult Family Homes [O.R.C. Section 5119.70 (A) (7)] and Licensed Residential Facilities [O.R.C. Section 5123.10(A) (1) (a)]	4.12
Section 403.0	Commercial District (C)	4.14
Section 403.1	Permitted Principal Buildings, Structures, and Uses.....	4.14
Section 403.2	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)	4.16
Section 403.3	Conditional Buildings, Structures, and Uses	4.16
Section 403.4	Prohibited Buildings, Structures, and Uses.....	4.21
Section 403.5	Minimum Lot Area	4.21
Section 403.6	Minimum Lot Frontage and Width	4.21
Section 403.7	Minimum Yards.....	4.21
Section 403.8	Maximum Height.....	4.21
Section 403.9	Maximum Lot Coverage	4.22
Section 403.10	Minimum Floor Area	4.22
Section 403.11	Permitted Buildings, Structures, and Uses in Required Yards	4.22
Section 403.12	Buffer Zone.....	4.22
Section 403.13	All Commercial Buildings shall follow the Ohio Basic Building Codes and the Ohio State Fire Codes	4.22
Section 404.0	Industrial District (I)	4.23
Section 404.1	Permitted Principal Buildings, Structures, and Uses.....	4.23
Section 404.2	Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with, and of a nature customarily incidental or subordinate to the principal permitted building, structure or use)	4.24

Table of Contents (Continued)

		<u>Page No.</u>
ARTICLE IV: DISTRICT REGULATIONS (CONTINUED)		
Section 404.3	Conditional Building, Structures, and Uses	4.24
Section 404.4	Prohibited Uses	4.26
Section 404.5	Minimum Lot Area	4.26
Section 404.6	Minimum Lot Frontage and Width	4.27
Section 404.7	Minimum Yards	4.27
Section 404.8	Maximum Height.....	4.27
Section 404.9	Maximum Lot Coverage	4.27
Section 404.10	Minimum Floor Area	4.27
Section 404.9	Permitted Buildings, Structures, and Uses in Required Yards	4.27
Section 404.10	Buffer Zone.....	4.27
Section 404.13	All Industrial Buildings shall follow the Ohio Basic Building Codes and the Ohio State Fire Codes.....	4.28
Section 405.0	Manufactured Home Park District	4.29
Section 405.1	General Requirements	4.29
Section 405.2	Permitted Principal Buildings, Structures, and Uses.....	4.29
Section 405.3	Permitted Accessory Buildings, Structures, and Uses (which are on the same lot and incidental or subordinate to the principal permitted building, structure or use)	4.29
Section 405.4	Prohibited Buildings, Structures, and Uses	4.29
Section 405.5	Conditional Buildings, Structures, and Uses	4.29
Section 405.6	Minimum Lot Area	4.29
Section 405.7	Minimum Lot Frontage	4.30
Section 405.8	Minimum Lot Width.....	4.30
Section 405.9	Minimum Yards	4.30
Section 405.10	Maximum Height.....	4.30
Section 405.11	Maximum Lot Coverage	4.30
Section 405.12	Minimum Floor Area	4.30
Section 405.13	Buffer Zone.....	4.31
Section 405.14	Permitted Buildings, Structures, and Uses in Required Yards	4.31
Section 405.15	Interior Roads.....	4.31
Section 405.16	Utilities	4.31
Section 405.17	Garbage Collection.....	4.31
Section 405.18	Sewage and Water Facilities	4.31
Section 405.19	Recreation Area.....	4.32
Section 405.20	Fire Protection.....	4.32
Section 405.21	Site Plan.....	4.32

Table of Contents (Continued)

		<u>Page No.</u>
ARTICLE IV: DISTRICT REGULATIONS (CONTINUED)		
Section 406.0	Supplementary District Regulations.....	4.33
Section 406.1	Temporary Buildings, Structures, and Uses	4.33
Section 406.2	Performance Standards	4.36
Section 406.3	Ponds.....	4.38
Section 407.0	Passive Park District (P-1)	4.42
Section 407.1	Purpose	4.42
Section 407.2	Principal Permitted Buildings, Structures, and Uses.....	4.42
Section 407.3	Permitted Accessory Buildings, Structures, and Uses.....	4.42
Section 407.4	Prohibited Buildings, Structures, and Uses.....	4.43
Section 407.5	Minimum Yards (Setbacks) for Permitted Principal and Accessory Buildings, Structures, and Uses	4.44
Section 407.6	Minimum Lot Frontage	4.44
Section 407.7	Minimum Lot Width.....	4.44
Section 407.8	Minimum Lot Area	4.44
Section 407.9	Maximum Lot Coverage	4.44
Section 407.10	Minimum Distance Between Buildings on Same Lot	4.44
Section 407.11	Maximum Height of Permitted Principal and Accessory Buildings and Structures.....	4.44
Section 407.12	Minimum Floor Area	4.44
Section 407.13	Maximum Floor Area	4.45
Section 407.14	Minimum Buffer Zone.....	4.45
Section 407.15	Supplementary District Regulations.....	4.45
Section 407.16	Conditional Buildings, Structures, and Uses	4.45
Section 408.0	Active Park District (P-2)	4.46
Section 408.1	Purpose	4.46
Section 408.2	Principal Permitted Principal Buildings, Structures, and Uses.....	4.46
Section 408.3	Permitted Accessory Buildings, Structures, and Uses.....	4.46
Section 408.4	Prohibited Buildings, Structures, and Uses.....	4.47
Section 408.5	Minimum Yards (Setbacks) for Permitted Principal and Accessory Buildings, Structures, and Uses.....	4.47
Section 408.6	Minimum Lot Frontage	4.47
Section 408.7	Minimum Lot Width.....	4.48
Section 408.8	Minimum Lot Area	4.48
Section 408.9	Maximum Lot Coverage	4.48
Section 408.10	Minimum Distance Between Buildings on Same Lot	4.48
Section 408.11	Maximum Height of Permitted Principal and Accessory Buildings and Structures.....	4.48

Table of Contents (Continued)

		<u>Page No.</u>
ARTICLE IV: DISTRICT REGULATIONS (CONTINUED)		
Section 408.12	Minimum Floor Area	4.48
Section 408.13	Maximum Floor Area	4.48
Section 408.14	Minimum Buffer Zone	4.48
Section 408.15	Supplementary District Regulations.....	4.49
Section 408.16	Conditional Buildings, Structures, and Uses	4.49
ARTICLE V: CONDITIONAL USES		
		5.1
Section 500.0	Conditional Zoning Certificate Required	5.1
Section 500.1	Contents of Application for a Conditional Zoning Certificate	5.1
Section 500.2	Transmittal of Application to Board of Zoning Appeals	5.2
Section 501.0	Meeting of Board of Zoning Appeals	5.3
Section 501.1	Action by Board of Zoning Appeals	5.3
Section 502.0	Issuance of Conditional Zoning Certificate	5.3
Section 503.0	General Conditions for Conditional Zoning Certificates.....	5.3
Section 504.0	Revocation of Conditional Zoning Certificates	5.4
Section 504.1	Procedure for Revocation of a Conditional Zoning Certificate.....	5.4
Section 505.0	General Standards for Conditional Uses.....	5.4
Section 506.0	Upon consideration of the factors listed above, the Board may attach such conditions to the granting of conditional zoning certificate as it deems necessary. Such conditions may include but need not be limited to:	5.5
ARTICLE VI: PARKING AND LOADING/UNLOADING SPACES.....		
		6.1
Section 600.0	General Requirements for Parking and Loading/Unloading Spaces in All Zoning Districts	6.1
Section 601.0	Number of Parking Spaces Required	6.3
Section 602.0	Size of Parking Spaces.....	6.3
Section 603.0	Number of Loading/Unloading Spaces Required	6.4
Section 604.0	Size of Loading/Unloading Spaces.....	6.4
Section 605.0	Determination of the Number of Parking and Loading/Unloading Spaces Required	6.4
Section 606.0	Traffic Visibility	6.4
Section 607.0	Requirements for driveways in Residential District	6.4
ARTICLE VII: SIGNS.....		
		7.1
Section 700.0	Sign Definitions.....	7.1
Section 701.0	General Requirements for all Signs	7.1

Table of Contents (Continued)

	<u>Page No.</u>
ARTICLE VII: SIGNS (CONTINUED)	
Section 702.0 Prohibited Signs in all Districts	7.2
Section 703.0 Governmental Signs Exempted	7.3
Section 704.0 Signs Permitted in all Districts not Requiring a Zoning Certificate.....	7.3
Section 705.0 Signs Permitted in the Residential Zoning District (see also Section 704.0)	7.4
Section 706.0 Signs Permitted in the Commercial, Industrial, and Park Zoning Districts (see also Section 704.0)	7.4
Section 707.0 Measurement of Sign Area.....	7.5
Section 708.0 Measurement of Sign Height.....	7.5
Section 709.0 Maximum Height Requirements	7.5
Section 710.0 Minimum Yard Requirements	7.5
Section 711.0 Removal of Signs.....	7.6
Section 712.0 Billboards.....	7.6
ARTICLE VIII: ALTERNATIVE ENERGY.....	8.1
Section 800.0 Solar Panels.....	8.1
Section 800.1 Definitions.....	8.1
Section 800.2 Solar Panels and Solar Arrays Classified as Permitted Accessory Uses	8.1
Section 801.0 Wind Energy Conversion Systems	8.2
Section 801.1 Definitions.....	8.2
Section 801.2 SWECS Classified as a Conditional Use	8.3
ARTICLE IX: NONCONFORMING BUILDINGS, STRUCTURES AND USES.....	9.1
Section 900.0 Nonconforming Use of Buildings and Land not Affected by Zoning	9.1
Section 901.0 Reasonable Terms	9.1
Section 902.0 Completion	9.1
Section 903.0 Restoration	9.1
Section 904.0 Repair and Replacement	9.1
Section 905.0 Reconstruction.....	9.2
Section 906.0 Extension	9.2
Section 907.0 Substitution	9.2
Section 908.0 Nonconforming Lot of Record	9.3
ARTICLE X: ADMINISTRATION	10.1
Section 1000.0 Township Zoning Inspector	10.1
Section 1000.1 Position of Township Zoning Inspector Established.....	10.1
Section 1000.2 Zoning Inspector's Bond	10.1
Section 1000.3 Duties of Township Zoning Inspector	10.1

Table of Contents (Continued)

	<u>Page No.</u>
ARTICLE X: ADMINISTRATION (CONTINUED)	
Section 1001.0 Township Zoning Commission	10.2
Section 1001.1 Township Zoning Commission Created	10.2
Section 1001.2 Recommendation of Township Zoning Commission; Organization, Powers and Compensation of Commission	10.2
Section 1002.0 Township Board of Zoning Appeals	10.3
Section 1002.1 Township Board of Zoning Appeals Created	10.3
Section 1002.2 Powers of Township Board of Zoning Appeals	10.3
Section 1002.3 Rules, Organization, and Meetings of Board of Zoning Appeals	10.3
Section 1002.4 Procedures of Board of Zoning Appeals	10.4
ARTICLE XI: ENFORCEMENT	11.1
Section 1100.0 Zoning Certificate Required	11.1
Section 1100.1 Contents of Application for a Zoning Certificate	11.1
Section 1100.2 Action by Township Zoning Inspector on Application for Zoning Certificate	11.3
Section 1100.3 Submission to Director of Ohio Department of Transportation	11.3
Section 1100.4 Revocation of Zoning Certificate	11.4
Section 1101.0 Complaints Regarding Violations	11.4
Section 1102.0 Prohibition Against Violating Zoning Resolution	11.4
Section 1103.0 Action to Prevent Violations of Zoning Regulations	11.4
ARTICLE XII: AMENDMENTS	12.1
Section 1200.0 Procedure for Amendments to Zoning Resolution	12.1
Section 1201.0 Contents of Application for a Zoning Amendment	12.1
Section 1202.0 Submission to Director of Ohio Department of Transportation	12.2
ARTICLE XIII: WIRELESS TELECOMMUNICATIONS TOWER AND FACILITIES	13.1
Section 1300.0 Purpose	13.1
Section 1301.0 Permitted Uses	13.1
Section 1302.0 Conditional Uses	13.2
Section 1303.0 General Regulations	13.3
Section 1304.0 Prohibited Areas	13.5
Section 1305.0 Fees	13.6
Section 1306.0 Public Utility Exemption	13.6
Section 1307.0 Site Plan	13.8

Table of Contents (Continued)

	<u>Page No.</u>
ARTICLE XIV: ADULT ORIENTED BUSINESSES	14.1
Section 1400.0 Definitions.....	14.1
Section 1401.0 Conditions for Adult Oriented Businesses.....	14.4
Section 1402.0 Adult Oriented Businesses: Nonconforming Buildings, Structures, and Uses.....	14.6
ARTICLE XV: ESTABLISHMENT OF RIPARIAN SETBACKS	15.1
Section 1500.0 Purpose and Intent.....	15.1
Section 1501.0 Applicability.....	15.2
Section 1502.0 Definitions.....	15.2
Section 1503.0 Establishment of Designated Watercourses and Riparian Setbacks.....	15.4
Section 1504.0 Riparian Setbacks Guide Map.....	15.5
Section 1505.0 Applications and Site Plan.....	15.5
Section 1506.0 Permitted Buildings, Structures, and Uses Within a Riparian Setbacks Without a Zoning Certificate.....	15.6
Section 1507.0 Permitted Buildings, Structures, and Uses Within a Riparian Setbacks With a Zoning Certificate.....	15.7
Section 1508.0 Buildings, Structures, and Uses Prohibited Within a Riparian Setback.....	15.8
Section 1509.0 Inspections of Riparian Setbacks.....	15.8
ARTICLE XVI: WATER MANAGEMENT AND SEDIMENT CONTROLS (WMSC)	16.1
Section 1600.0 Purpose and Intent.....	16.1
Section 1601.0 Words and Terms Defined.....	16.1
Section 1602.0 Requirements and Application Procedures.....	16.1
Section 1603.0 Compliance with State and Federal Regulations.....	16.2

HAMB DEN TOWNSHIP ZONING RESOLUTION

AMENDMENTS

<u>Amendment Identified As:</u>	<u>Adopted:</u>	<u>Effective:</u>
2001	January 29, 2002	February 28, 2002
2002-1	December 17, 2002	January 18, 2003
2003-1	August 6, 2003	September 6, 2003
2003-2	September 8, 2003	October 9, 2003
2007-1	January 2, 2008	February 4, 2008
ZC-2009-1	October 21, 2009	November 20, 2009
ZC-2011-1	March 16, 2011	April 15, 2011
ZC-2011-2	February 15, 2012	March 16, 2012
ZC-2011-3	February 15, 2012	March 16, 2012
ZC-2011-4	February 15, 2012	March 16, 2012
ZC-2011-5	February 15, 2012	March 16, 2012
ZC-2014-1	May 7, 2014	June 6, 2014

ARTICLE I

GENERAL PROVISIONS

Section 100.0: Title

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

Section 101.0: Jurisdiction

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

Section 102.0: Purpose of Zoning Resolution [Adopted 03-16-2011]

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, percentage of lot areas that may be occupied, setback building lines, sizes of yards, courts, and other open spaces, population density, 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 areas 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.

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 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.
- C. To conserve and protect the natural resources of the township, including the supply of groundwater.
- D. To ensure that development is in accord with the capability and suitability of the land to support it.
- E. To provide regulations that advance balanced and orderly growth and development in the township as well as preserve sensitive environmental resources.
- F. 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.
- G. To regulate building setback lines (yards) and other open spaces.
- H. To regulate the density of population by establishing minimum lot size, frontage, and width requirements in each zoning district.

Section 103.0: Provisions of Resolution Declared to be Minimum Requirements [Adopted 01-02-2008]

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

Section 104.0: Powers Not Conferred by Chapter 519 of the Ohio Revised Code or this Resolution [Adopted 3-16-2011]

- A. This resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure. However, this resolution shall regulate the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located in accordance with **R.C. 519.21 (B)**.
- B. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. As used in this resolution, "public utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility, that has been issued a permit under Chapter 3734. of the Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714. of the Revised Code. However, subject to **R.C. 519.211(B)(4)(a)**, the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- C. This resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted by this resolution.
- D. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- E. This resolution does not apply with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901., 4903., 4905., 4909., 4921., and 4923. of the Revised Code
- F. This resolution does not apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for that purpose, having wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) megawatts or more.

Section 105.0: Schedule of Fees, Charges, and Expenses, and Collection Procedure [Adopted 02-15-2012]

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 fiscal officer, and may be altered or amended only by resolution of the board of township trustees.

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

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

Section 106.0: First Day Excluded and Last Day Included in Computing Time; Exceptions; Legal Holiday Defined [Adopted 01-02-2008]

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.

Section 107.0: Computation of Time [Adopted 01-02-2008]

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

Section 108.0: Specific Provision Prevails Over General; Exception [Adopted 01-02-2008]

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

Section 109.0: Irreconcilable Amendments [Adopted 01-02-2008]

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 amendment irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

Section 110.0: Continuation of Prior Amendment [Adopted 01-02-2008]

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

Section 111.0: Effect of Amendment [Adopted 01-02-2008]

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 there under;
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.

Section 112.0: Annexed Territory [Adopted 01-02-2008]

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

Section 113.0: Severability [Adopted 01-02-2008]

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 200.0: Interpretation of Terms or Words

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

- A. The word “**person**” includes an individual, association, organization, partnership, trust, company, corporation, or any other legal entity.
- B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular, unless the context clearly indicates the contrary.
- C. The word “**shall**” is a mandatory requirement.
- D. The word “**may**” is a permissive requirement.
- E. The word “**should**” is a preferred requirement.
- F. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.
- G. Undefined terms means any term not defined herein shall have the meaning of common or standard use as defined in the Third College Edition of Webster’s New World Dictionary. [Adopted 3-16-2011]

Section 201.0: Words and Terms Defined

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

“**Accessory Use or Structure**” means a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use of the principal structure.

“**Adult Family Home**” means a residence or facility that provides accommodations and supervision to three to five unrelated adults at least three of whom require personal care service and as defined in O.R.C. Section 5119.70 (A) (7). (Adopted 05-07-2014)

“**Adult Group Home**” means a residence or facility that provides accommodations and supervision to ~~for~~ six (6) to sixteen (16) unrelated adults at least three (3) of whom require personal care services and as defined in O.R.C. Section 5119.70 (A) (8). (Adopted 05-07-2014)

“**Aeration Windmills**” see “Wind Driven Aeration Systems”. (Adopted 05-07-2014)

“**Agriculture**” includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with but are secondary to, such husbandry or production.

“**Antenna**” means any system of wires, poles, rods, discs, dishes, or similar devices used for the transmission or reception of electromagnetic waves attached to the exterior of a building or mounted in the ground independent (freestanding) of a building.

“**Ashes**” means the residue from the burning of wood, coal, or other combustible materials. (Adopted 05-07-2014)

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

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

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

“Bed and Breakfast” means an owner-occupied, single-family residential dwelling in which rooms are rented to paying guests on an overnight basis with only breakfast provided. The entire service shall be included together in one stated price.

“Breezeway” means a fully enclosed accessory structure that serves as a permanent connection between buildings on a lot. (Adopted 05-07-2014)

“Buffer zone” means an area established to protect and screen one type of land use from another use in an adjacent zoning district.

“Bulky waste” means large items of refuse including, but not limited to, appliances, large auto parts, furniture, and large trees and branches which require collection in other than conventional collection vehicles; e.g. garbage trucks. (Adopted 05-07-2014)

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

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

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

“Building line” see setback line.

“Cemetery” means real property used for the interment of human remains including any one or a combination of more than one of the following: a burial ground containing plots designated for earth interments or inurnments, a mausoleum for crypt entombments, or a columbarium for the deposit of cremated remains. (Adopted 05-07-2014)

“Cemetery, Family/Private” means a cemetery containing the human remains of persons, at least three-fourths of whom have a common ancestor or who are the spouse or adopted child of that common ancestor. (Adopted 05-07-2014)

“Child care center” as defined in section 5104.01 of the Ohio Revised Code, means any place that is not the permanent residence of the licensee or administrator in which child care is provided, with or without compensation, for seven to twelve children at one time; or any place in which child care is provided for thirteen or more children at one time. [Adopted 09-06-03]

“Clinic” means any building or other structure devoted to the diagnosis, treatment and care of outpatients.

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

“Collector” means a person, commercial business, or public body or employee thereof who is contracted in the collection and/or transportation of solid waste to a legal disposal/transfer site. (Adopted 05-07-2014)

“Collocation” means locating wireless communications equipment from more than one provider on a single site.

“Commercial tractor” as defined in **Ohio Revised Code Section 4501.01[D]**, means any motor vehicle having motive power designed or used for drawing other motor vehicles, or designed or used for drawing another motor vehicle while carrying a portion of such motor vehicle or its load, or both. [Adopted 01-02-2008]

“Commercial trailer” as defined in **Ohio Revised Code Section 4501.01[P]**, means any vehicle of the trailer type without motive power so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by such other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this resolution, and includes any vehicle of the dolly type, such as trailer dolly, designed or used for the conversion of a semi-trailer into a trailer. [Adopted 01-02-2008]

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

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

“County” means Geauga County, Ohio.

“Cul-de-sac” means a street or road, one end of which connects with another street or road, and the other end of which terminates in a vehicular turn-around the construction of which conforms with the rules, regulations and standard specifications for road improvements adopted by the board of county commissioners pursuant of R.C. 711.101.

“Deck” means a structure consisting of wood, vinyl or other composite materials with or without a roof that is an open platform attached to a building or is freestanding and is supported by posts or piers. [Adopted 3-16-2011]

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

“Digital technology” means the conversion of voice and data messages into digits that represent sound intensities at specific points of time and data content.

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

“Driveway” means a private way providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space. It shall be constructed of aggregate stone, asphalt, chip and seal or concrete.

“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 unit” means space within a building comprising living and/or dining and sleeping rooms; all of which are used by only one (1) family for residential occupancy.

“Exterior storage” means open storage; the storage of goods, materials, equipment manufactured products and similar items not fully enclosed by a building.

“Family” means one (1) or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

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

“Farm property” means a parcel or parcels of land devoted to agriculture as defined in this resolution; either to raising crops, livestock, poultry, or pasture. (Adopted 05-07-2014)

“Fence” means a structural barrier used to enclose, divide, protect or conceal a lot or a portion thereof.

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

“Floor area” of a building means the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls or from the centerline of common walls separating two or more attached buildings.

1. **Ground floor area:** of a building means the sum of the horizontal area of the foundation under the living area measured from the interior faces of the exterior walls.
2. **Net floor area:** of a building means the sum of the horizontal area of a floor or of the several floors of the building, measured from the interior faces of the exterior walls. Interior walls within the horizontal area shall be included in the calculation for net floor area.

“Food and beverage stores” means a retail store offering sale of food items and tangible consumer goods.

“Frontage” see lot line, front.

“Garage” means an accessory building other than a private garage, used for parking or temporary storage of company vehicles, and in which no service shall be provided for remuneration.

“Garage, private” means a detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to a person not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

“Garage sale” means the temporary sale of personal property, either within or outside of a building or structure, on a lot.

“Garbage” means rejected food wastes including waste accumulation of animal, fruit, and vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables. It does not include wastes from industrial processing or manufacturing of food products, bodies of dead animals, or human or animal excrement. (Adopted 05-07-2014)

“Gas station minimart” means a retail store associated with the sale of gasoline products, that also offers for sale food items and tangible consumer goods.

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

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

“Home occupation” means an occupation conducted on residential property.

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

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

“Industrialized unit” means a building as defined in **Ohio Revised Code Section 3710.06 (C) (3)** for which an insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62(A). “Industrialized unit” does not include a “manufactured home” or a “mobile home” as defined in this resolution.

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

“Junk vehicle” means any vehicle that meets all of the following criteria:

1. Three years old or older;
2. Apparently inoperable;
3. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

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

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

“Landscaping” means grass, ground cover, evergreen shrubs, densely planted hedges, evergreen plantings, trees (new planting or existing), berming, fencing and walls.

“Licensed residential facility” means a facility as defined in O.R.C. Section 5123.19 (A) (1) (a). (Adopted 05-07-2014)

“Light trespass” means light emitted by a lighting installation, which falls outside the boundaries of the lot on which the installation is sited.

“Loading/unloading space” means space provided for pick-ups and deliveries for commercial and industrial uses.

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

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

“Lot, coverage” means the percentage of the total lot area that is occupied by the total horizontal area of all buildings, structures, parking areas, loading areas and driveways on a lot.

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

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

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

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

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

“Lot, rear” means a parcel of land, the majority of which lies to the rear of another lot. Said rear lot shall be connected to a public road by one (1) fee simple access strip, which meets the minimum area but not the minimum width (measured at the front lot line) requirements of the residential zoning district in which it is located. A “rear lot” may also mean a “flag lot.”

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

“Lot line, front” means the boundary of a lot that abuts a public road. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under **“Yards”** in this section. [Adopted 09-06-03]

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

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

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

“Manufactured home” means a building unit or assembly of closed construction as defined in **Ohio Revised Code Section 3781.06 (C) (4)**.

“Manufactured home park” means any lot upon which three (3) or more manufactured or mobile homes used for habitation are located, as defined in **Ohio Revised Code Section 3733.01 (A)**

“Minerals” means all substances or materials excavated from natural deposits on or in the earth.

“Mini-Storage” means a building or group of buildings in a controlled access and fenced compound used solely for the purpose of leasing or renting fully enclosed interior space for storage. Mini-storage buildings may contain varying sizes of individual, compartmentalized, and controlled-access stalls or lockers.

“Mobile home” means a building unit or assembly of closed construction as defined in **Ohio Revised Code Section 4501.01 (O)** and which is designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. A “mobile home” does not mean an “industrialized unit”, “manufactured home” or “recreational vehicle” as defined in this resolution. A building or nonself-propelled vehicle is a “mobile home” whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

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

“Mound” means a barrier constructed of earthen material and fully covered with permanent vegetation to protect or conceal a lot or a portion thereof.

“Open space” means a totally unobstructed area on a lot, which does not have any permanent or temporary buildings, structures, or parking lots.

“Outdoor wood fired boiler” means any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat, or energy used as a component of a heating system, providing heat for any interior space, or water source via the distribution typically thru pipes. An outdoor wood furnace may also be referred to as an outdoor wood boiler or outdoor wood fired furnace. (Adopted 05-07-2014)

“Panel or directional antenna” means an antenna or array of antennas designed to concentrate a radio signal in a particular area.

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

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

“Permanent Parcel Number” means a permanent number as assigned to a lot by the county auditor. [Adopted 3-16-2011]

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

“Personal wireless service facility” means facilities for the provision of personal wireless services.

“Pond” means a water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout, and having an area of less than five (5) acres, and greater than three hundred (300) square feet.

“Pool, ornamental” means a water impoundment having an area less than three hundred (300) square feet.

“Porch” means a roofed open area, which may be glazed or screened, attached to or part of and with direct access to or from, a building. A porch becomes a room when the space enclosed is heated or air-conditioned.

“PPN” means the permanent parcel number as assigned to a lot by the county auditor. [Adopted 3-16-2011]

“Private road or street” means a road or street not accepted for maintenance by the state, county, or township.

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

“Public park” means land dedicated to active or passive recreational use that is owned or leased by a political subdivision of the state of Ohio.

“Public road or street” means a state, county or township road as defined in Ohio Revised Code Section 5535.01.

“Public Utility” means any company or other legally existing entity which holds a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which delivers a good or service to the public and which has been determined to be a public utility by the zoning inspector or the board of zoning appeals based upon the following factors relative to (A) public service and (B) public concern.

A. Public Service

1. Is there the devotion of an essential good or service to the general public, which has a legal right to demand or receive the good or service?
2. Must the company provide its good or service to the public indiscriminately and reasonably?
3. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?

B. Public Concern

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

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

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

“Refuse container” means a covered container of rodent proof, fly proof, animal proof and water tight construction. (Adopted 05-07-2014)

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

“Rubbish” means solid waste that may have or does not have the ability to decay or spoil, excluding ashes, consisting of both combustible and noncombustible waste, such as paper, plastic, metal, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind that will be detrimental to the public health and safety. (Adopted 05-07-2014)

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

“Satellite earth station” means any device incorporating a reflective surface that is solid, open mesh, or bar configured and may be in the shape of a dish or disc. Said device may be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based uses.

“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.

“School child care center” as defined in section 5104.01 of the revised code, means a center that provides child care for school children only and operates only during the part of day immediately before and or after the public school day of the school district, and/or when the public school in the district are not open for instruction. [Adopted 09-06-03]

“Seat” means for 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 for each twenty-four (24) lineal inches of benches, pews, or spaces for loose chairs.

“Service station” means buildings and premises where fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail.

“Setback line” means a line parallel to and measured from the front lot line and representing the area in which no building or structure shall be located. See also; Yard, front.

“Sewers, on-site” means a septic tank or similar installation on an individual lot which provides for the elimination of sewage and disposal of the effluent.

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

“Site” means, for the purpose of telecommunications towers, antennas, and facilities only; how or in what manner such towers, antennas, and facilities may be situated on a lot, building, or structure.

“Solid waste” means garbage, refuse, rubbish, bulky waste and other discarded solid materials. Solid waste must meet all criteria as outlined by the OEPA and Geauga Trumbull Solid Waste District. (Adopted 05-07-2014)

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

“Street line” means the area between a public road and the front lot line. (Adopted 05-07-2014)

“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” means a right-of-way dedicated to public use, which provides the principal means of ingress and egress to abutting property.

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

“Structure, minor” means any single story accessory building measuring eighty (80) square feet or less not exceeding ten (10) feet in any dimension and not permanently attached to the ground.

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

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

“Swimming pool” means a structure designed for swimming to contain a depth of at least three (3) feet of water at any point.

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

“Telecommunications tower” means any freestanding structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in R.C. 519.211 (B)(1)(a-e) and Article XIII of this resolution.

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

“Township” means Hambden Township, Geauga County, Ohio.

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

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

“Use” means the purpose for which a building, structure or lot is built, occupied, maintained or developed.
[Adopted 01-02-2008]

“Utility trailer” (commonly referred to as a landscaper’s trailer) means a single or dual axle, non-motorized vehicle up to a maximum of twenty (20) feet in length, designed to be towed by a private passenger auto or pick-up truck. [Adopted 3-16-2011]

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

“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” means the sale, lease or rental of two or more new or used vehicles.

“Wall” means a structure to enclose, divide, protect or conceal an area.

“Whip antenna” means an antenna that transmits signals in 360 degrees and may also be known as omnidirectional, stick, or pipe antennas.

“Wind Driven Aeration Systems” or “Aeration Windmills” means a system or windmill which does not generate electrical power and which pumps oxygen into air lines within a pond or lake to air diffusers. The air diffusers, located at the bottom of the pond or lake, turn the compressed air into oxygen bubbles which rise through the water in order to: (Adopted 05-07-2014)

- a. reduce algae, bacteria and odor;
- b. add oxygen;
- c. promote circulation;
- d. minimize freezing; and
- e. hinder West Nile Virus.

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

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

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

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

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

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

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

“Yard waste” means prunings, grass clippings, weeds, leaves, and general yard and garden wastes.
(Adopted 05-07-2014)

“Zoning certificate” means a document issued by the township zoning inspector in accordance with the regulations specified in this resolution.

“Zoning commission” means the zoning commission of the township.

“Zoning 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 300.0: Zoning Districts:

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

- Residential District (R-I)
- Commercial District (C)
- Industrial District (I)
- Manufactured Home Park District (MHP)
- Passive Park District (P-1) Adopted 01-02-2008
- Active Park District (P-2) Adopted 01-02-2008

Section 300.1 Description of Zoning Districts

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

DESCRIPTION FOR RESIDENTIAL DISTRICT

Situated in the Township of Hambden, County of Geauga, and State of Ohio being part of original Lot No. 1 thru 30, Bond Tract and being part of original Lot No. 1 thru 13, Parker Tract, within said Township;

Excepting and reserving there from the following described areas:

DESCRIPTION FOR COMMERCIAL AREAS

PARCEL NO. 1.

Situated in the Township of Hambden, County of Geauga and State of Ohio being part of original Lot No. 26 and 27, Bond Tract, within said Township and further described as follows:

Beginning in the northerly margin of the G.A.R. Highway (U. S. Route 6) where said northerly margin is intersected by the west line of land conveyed to Irene Haueter by deeds recorded in Vol. 266, Pg. 286 and Vol. 361, Pg. 554 of the Geauga County Records of Deed;

Thence northerly along the west line of the said Haueter property a distance of approximately 1310 feet to the northwest corner thereof;

Thence easterly along the north line of the said Haueter land and along the north line of land conveyed to I. Schinagle by deed recorded in Vol. 266, Pg. 291 of the Geauga County Records of Deeds and along the north line of land conveyed to B. and E. Kurucz by

deed recorded in Vol. 509, Pg. 408 of the Geauga County Records of Deeds and along the north line of land conveyed to J.E. Gall by deed recorded in Vol. 815, Pg. 340 of the Geauga County Records of Deeds and along the north line of land conveyed to W. J. Spear by deed recorded in Vol. 285, Pg. 608 of the Geauga County Records of Deeds a distance of approximately 957 feet to the northeast corner of the said Spear land;

Thence southerly along the east line of the said Spear land a distance of approximately 450 feet to a point in the north line of land conveyed to Spear Chrysler-Plymouth, Inc. by deed recorded in Vol. 568, Pg. 67 of the Geauga County Records of Deeds;

Thence easterly along the north line of the said Spear Chrysler-Plymouth, Inc. land a distance of approximately 386 feet to the northeast corner thereof;

Thence southerly along the east line of the said Spear Chrysler-Plymouth, Inc. land a distance of approximately 242 feet to the northerly margin of the said G.A.R. Highway;

Thence southwesterly along the northwesterly margin of the said G.A.R. Highway a distance of approximately 1380 feet to the place of beginning.

PARCEL NO. 2

Situated in the Township of Hambden, County of Geauga and State of Ohio being part of original Lot No. 26 and 27, Bond Tract, within said Township and further described as follows:

Beginning in the southerly margin of G.A.R. Highway (U. S. Route 6) at a point where said margin is intersected by the east margin of Grant Street;

Thence easterly along the southerly margin of the said G.A.R. Highway a distance of approximately 1550 feet to a point in the easterly line of a 6.04 acre parcel conveyed to B. and E. Barnum by deed recorded in Vol. 719, Pg. 1202 of the Geauga County Records of Deeds;

Thence southerly along the easterly line of the said Barnum parcel a distance of approximately 560 feet to a point in the north line of land conveyed to L. K. Psenicka by deed recorded in Vol. 558, Pg. 120 of the Geauga County Records of Deeds;

Thence northeasterly along the northerly line of the said Psenicka land a distance of approximately 600 feet to the northeasterly corner thereof;

Thence southerly along the east line of the said Psenicka land a distance of approximately 1645 feet to a point in the north margin of Chardon Windsor Road;

Thence westerly along the north margin of Chardon Windsor Road a distance of approximately 1211 feet to a point in the east line of land conveyed to M. and M. Farinacci and J. and P. McDonald by deed recorded in Vol. 553, Pg. 527 of the Geauga County Records of Deeds;

Thence northerly along the east line of the Said Farinacci and McDonald land a distance of approximately 485 feet to the northeast corner thereof;

Thence westerly along the north line of the said Farinacci and McDonald land a distance of approximately 534 feet to a point in the east margin of Grant Street;

Thence northerly along the east margin of Grant Street to the place of beginning.

PARCEL NO. 3

Situated in the Township of Hambden, County of Geauga and State of Ohio being part of original Lot No. 22, Bond Tract, within said Township and further described as follows:

Beginning in the northerly margin of the said G.A.R. Highway (U.S. Route 6) at a point where said margin is intersected by the easterly margin of Cutts Road;

Thence northerly along the easterly margin of Cutts Road a distance of approximately 750 feet to a point in the north line of land conveyed to E. McClish by deed recorded in Vol. 559 Pg. 415 of the Geauga County Records of Deeds;

Thence easterly along the north line of the said McClish land and along the north line of land conveyed to Ecology Services, Inc. by deed recorded in Vol. 742, Pg. 1008 of the Geauga County Records of Deeds a distance of approximately 312 feet to the northeast corner thereof;

Thence southerly along the east line of the said Ecology Services, Inc. land a distance of approximately 14 feet to the northwest corner of land conveyed to M. J. Farinacci, Jr. by deed recorded in Vol. 537, page 674 of the Geauga County Records of Deeds;

Thence easterly along the north line of the said Farinacci land and along the north line of land conveyed to A. Sangrik by deed recorded in Vol. 677, Pg. 1082 and Vol. 776, Pg. 1194 of the Geauga County Records of Deeds and along the north line of land conveyed to C. and V. Veverka by deed recorded in Vol. 777, Pg. 184 a distance of approximately 801 feet to a point in the west line of land conveyed to F. M. Nutter by deed recorded in Vol. 680, Pg. 419 of the Geauga County Records of Deeds;

Thence northerly along the west line of the said Nutter land a distance of 110.7 feet to the northwest corner thereof;

Thence easterly along the north line of the said Nutter land a distance of 125 feet to the northeast corner thereof;

Thence southerly along the east line of the said Nutter land approximately 370 feet to a point in the north margin of the said G.A.R. Highway;

Thence southwesterly along the northerly margin of the G.A.R. Highway a distance of approximately 1454 feet to the place of beginning.

PARCEL NO. 4

Situated in the Township of Hambden, County of Geauga and State of Ohio, being part of original Lot Nos. 12, 17, and 18, Bond Tract, within said township and further described as follows:

Beginning in the southerly margin of the G.A.R. highway at a point where said margin is intersected by the westerly margin of Old State Road, (S.R.608);

Thence southeasterly along the westerly margin of Old State Road a distance of approximately 3550 feet to the southeast corner of land conveyed to Jim's Chardon Auto Wrecking, Inc. by deed recorded in Vol. 599, Pg. 525 of the Geauga County Records of Deeds;

Thence southwesterly along the southerly line of the land conveyed said Jim's Chardon Auto Wrecking, Inc. a distance of 500 feet;

Thence northwesterly along a line parallel to and distance of 500 feet from the westerly margin of Old State Road a distance of approximately 3140 feet to a point in the northerly line of land conveyed to the Hambden Christian Mission Church by deed recorded in Vol. 492, Pg. 241 of the Geauga County Records of Deeds

Thence Northeasterly along the northerly line of the said Church land a distance of approximately 51 feet to the southwesterly corner of land conveyed to E. and L. Wolcott by deed recorded in vol. 669, Pg. 49 of the Geauga County Records of Deeds;

Thence northwesterly along the westerly line of the said Wolcott land a distance of approximately 343 feet to a point in the southerly margin of G.A.R. Highway;

Thence northeasterly along the southerly margin of G.A.R. Highway a distance of approximately 445 feet to the place of beginning.

PARCEL NO. 5

Situated in the Township of Hambden, County of Geauga and State of Ohio being part of original Lot No. 18, Bond Tract, within said Township, and further described as follows:

Beginning in the northerly margin of G.A.R. Highway where said northerly margin is intersected by the westerly margin of Old State Road (S.R. 608);

Thence southwesterly along the northerly margin of the G.A.R. Highway a distance of approximately 620 feet to a point in the west line of land conveyed to R. R. Wantz by deed recorded in Vol. 697, Pg. 1133 of the Geauga County Records of Deeds;

Thence northwesterly along the westerly line of the said Wantz land a distance of approximately 858 feet to the northwest corner thereof;

Thence northeasterly along the northerly line of the said Wantz land a distance of approximately 136 feet to a point in the west line of land conveyed to E. and F. Prosser by deed recorded in Vol. 699, Pg. 394 of the Geauga County Records of Deeds;

Thence northwesterly along the westerly line of the said Prosser land a distance of 164.25 feet to the northwesterly corner thereof;

Thence northeasterly along the northerly line of the said Prosser land a distance of approximately 130 feet to the southwesterly corner of land conveyed to P. and H. Little by deed recorded in Vol. 705, Pg. 306 of the Geauga County Records of Deeds;

Thence northwesterly along the westerly line of the said Little land a distance of approximately 213 feet to a point in the southerly margin of Woodin Road;

Thence easterly along the southerly margin of Woodin Road a distance of approximately 183 feet to a point in the westerly margin of Old State Road;

Thence southeasterly along the westerly margin of Old State Road a distance of approximately 1130 feet to the place of beginning.

PARCEL NO. 6

Situated in the Township of Hambden, County of Geauga and State of Ohio being part of original Lot No. 18, Bond Tract, within said Township and further described as follows:

Beginning in the southerly margin of G.A.R. Highway (U.S. Route 6) at a point where said margin is intersected by the easterly margin of Old State Road (S.R.608);

Thence northeasterly along the southerly margin of the G.A.R. Highway a distance of approximately 1328 feet to an angle point in said road margin;

Thence easterly along the southerly margin of G.A.R. Highway a distance of approximately 125 feet to a point in the east line of land conveyed to G. and P. Corona by deed recorded in Vol. 571, Pg. 430 of the Geauga County Records of Deeds;

Thence southerly along the east line of the said Corona land and along the east line of land conveyed to the Hambden School by deed recorded in Vol. 257, Pg. 6 of the Geauga County Records of Deeds and along the east line of land conveyed to the Hambden Cemetery by deed recorded in Vol. 79, Pg. 595 of the Geauga County Records of Deeds a distance of approximately 1200 feet to the southeasterly corner of the said cemetery land;

Thence southwesterly along the southerly line of the said cemetery land and along the southerly line of a second parcel conveyed to the Hambden Cemetery by deed recorded in Vol. 60, Pg. 664 of the Geauga County Records of Deeds a total distance of approximately 325 feet to a point in the easterly margin of Old State Road;

Thence northwesterly along the easterly margin of Old State Road a distance of approximately 740 feet to the place of beginning.

PARCEL NO. 7

Situated in the Township of Hambden, County of Geauga, and State of Ohio, being part of Original Lot Nos. 18 & 19, Bond Tract, within said township and further described as follows:

Beginning in the northerly margin of G.A.R. Highway (U.S. Rt. 6) at a point where said margin intersects the easterly line of land conveyed to the Hambden Congregational Church by deed recorded in Vol. 568, Pg. 109 (P.P. No. 15-702300) of the Geauga County Records of Deeds;

Thence southwesterly along the northerly margin of said G.A.R. Highway, a distance of approximately 575.00 feet, to a point where said margin intersects the easterly margin of Old State Road (S.R. 608);

Thence northwesterly along the easterly margin of Old State Road, a distance of approximately 3430.00 feet to the northwest corner of land conveyed to Lawrence L. and Geraldine Chapman, Trustees by deed recorded in Vol. 1045, Pg. 160 (P.P. No. 15-101990) of the Geauga County Records of Deeds;

Thence northeasterly along the north line of said P.P. No. 15-101990 and along a northerly line of another parcel conveyed to said Chapman, by deed recorded in Vol. 1045, Pg. 160 (P.P. No. 15-014000) of the Geauga County Records of Deeds, a distance of approximately 666.00 feet to an angle point;

Thence northwesterly along a westerly line of said P.P. No. 15-014000 and along the westerly line of a small triangular parcel conveyed to said Chapman by deed recorded in Vol. 1045, Pg. 160 of the Geauga County Records of Deeds, and according to County records is also known as P.P. No. 15-101990, a distance of approximately 760.00 feet to the northwest corner thereof;

Thence east along the north line of said P.P. No. 15-101990 and P.P. No. 15-014000, a distance of approximately 1054.00 feet to a northeast corner of said P.P. No. 15-014000;

Thence south along an east line of said P.P. No. 15-014000, a distance of approximately 418.00 feet to an angle point;

Thence east along a north line of said P.P. No. 15-014000, a distance of approximately 812.00 feet to a northeast corner thereof;

Thence south along an east line of said P.P. No. 15-014000, a distance of approximately 1126.00 feet to an angle point;

Thence southwesterly along a southerly line of said P.P. No. 15-01400, a distance of 504.16 feet to an angle point;

Thence southeasterly along an easterly line of said P.P. No. 15-014000, a distance of 543.93 feet to the northeast corner of land conveyed to Mitchell G. Chapman by deed recorded in Vol. 1686, Pg. 211 (P.P. No. 15-100700) of the Geauga County Records of Deeds;

Thence south along the east line of said P.P. No. 15-100700, a distance of 539.06 feet to a second parcel conveyed to said Mitchell G. Chapman by deed recorded in Vol. 1686, Pg. 211 (P.P. No. 15-100600) of the Geauga County Records of Deeds;

Thence southeasterly along the easterly line of said P.P. No. 15-100600 and along the easterly line of the aforementioned P.P. No. 15-702300, a distance of approximately 649.50 feet to the place of beginning.

This description prepared by J. Arthur Temple, Registered Surveyor No. 4761, dated January, 2007, from deeds of record. [Adopted 02-08-2008]

PARCEL NO. 8

Situated in the Township of Hambden, County of Geauga, and State of Ohio, being part of Original Lot Nos. 18 & 19, Bond Tract, within said township and further described as follows:

Beginning in the northerly margin of G.A.R. Highway (U.S. Rt. 6) at a point where said margin intersects the westerly line of land conveyed to Childhood Properties, LLC by deed recorded in Vol. 1706, Pg. 258 (P.P. No. 15-070270) of the Geauga County Records of Deeds;

Thence northwesterly along a westerly line of said P.P. No. 15-070270, a distance of 231.27 feet to an angle point;

Thence southwesterly along a southerly line of said P.P. No. 15-070270, a distance of 34.28 feet to an angle point;

Thence northerly along a west line of said P.P. No. 15-070270, a distance of 320.00 feet to an angle point;

Thence northeasterly along a northerly line of said P.P. No. 15-070270, a distance of 379.68 feet to the southwest corner of land conveyed to Daniel L. Tvergyak by deed recorded in Vol. 1672, Pg. 1065 (P.P. No. 15-069800) of the Geauga County Records of Deeds;

Thence north along the west line of said P.P. No. 15-069800 and along a west line of land conveyed to Bruce J. Barham by deed recorded in Vol. 934, Pg. 953 (P.P. No. 15-069700) of the Geauga County Records of Deeds, a distance of approximately 412.00 feet to a northwest corner thereof;

Thence east along the north line of said P.P. No. 15-069700, a distance of 280.50 feet to an point in the west margin of Brakeman Road;

Thence south along the west margin of Brakeman Road, a distance of approximately 652.00 feet to a point where said margin intersects the northwest margin of G.A.R. Highway;

Thence southwesterly along the northwest margin of the said G.A.R. Highway, a distance of approximately 527.00 feet to the place of beginning.

This description prepared by J. Arthur Temple, Registered Surveyor No. 4761, dated January, 2007, from deeds of record. [Adopted 01-02-2008]

PARCEL NO. 9 [Adopted 01-02-2008]

Situated in the Township of Hambden, County of Geauga and State of Ohio being part of original Lot No. 14, Bond Tract, within said Township and further described as follows:

Beginning in the northerly margin of G.A.R. Highway (U.S. Route 6) at a point where said northerly margin is intersected by the southeasterly margin of Rock Creek Road (S.R.166);

Thence northeasterly along the southeasterly margin of Rock Creek Road a distance of approximately 1300 feet to a point in the east line of land conveyed to A. and C. Cianfaglione by deed recorded in Vol. 734, Pg. 646 of the Geauga County Records of Deeds;

Thence southerly along the east line of the said Cianfaglione land a distance of approximately 1030 feet to a point in the north margin of G.A.R. Highway;

Thence westerly along the northerly margin of the G.A.R. Highway a distance of approximately 868 feet to the place of beginning.

PARCEL NO. 10 [Adopted 01-02-2008]

Situated in the Township of Hambden, County of Geauga and State of Ohio being part of original Lot No., 14, Bond Tract, within said Township and further described as follows:

Beginning in the northwesterly margin of Rock Creek Road (S.R.166) at a point where said margin is intersected by the east margin of Brakeman Road;

Thence northerly along the east margin of Brakeman Road a distance of approximately 540 feet to a point in the northerly line of land conveyed to Chardon Six Limited Partnership by deed recorded in Vol. 776, Pg. 764 of the Geauga County Records of Deeds;

Thence easterly along the northerly line of the said Chardon Six land a distance of approximately 390 feet to a point in the northwesterly margin of said Rock Creek Road;

Thence southwesterly along the northwesterly margin of Rock Creek Road a distance of approximately 550 feet to the place of beginning.

DESCRIPTION FOR INDUSTRIAL AREA

AREA 1.

Situated in the Township of Hambden, County of Geauga, and State of Ohio, being part of Original Lot No. 26, Bond Tract, within said township and further described as follows:

Beginning in the south margin of Chardon Windsor Road at a point where said margin intersects the west line of land conveyed to Donald J. Michalek by deed recorded in Vol. 1459, Pg. 543 (P.P. Nos. 15-070100 and 15-102201) of the Geauga County Records of Deeds;

Thence southerly along the westerly line of said P.P. No. 15-070100, by the arc of a curve to the left, an arc distance of 68.00 feet, to a point;

Thence southerly, continuing along west line of said P.P. No. 15-070100 and along the west line of said P.P. No. 15-102201, a total distance of 626.10 feet to the southwest corner of P.P. No. 102201;

Thence east along the south line of said P.P. No. 15-102201, a distance of 344.15 feet to a southeast corner thereof;

Thence north along the east line of said P.P. No. 15-102201 and along the east line of said P.P. No. 15-070100, a distance of 596.20 feet to a point in the south margin of Chardon Windsor Road;

Thence northwesterly along the south margin of Chardon Windsor Road, a distance of approximately 277.00 feet to the place of beginning.

This description prepared by J. Arthur Temple, Registered Surveyor No. 4761, dated January, 2007, from deeds of record.

AREA 2

Situated in the Township of Hambden, County of Geauga, and State of Ohio, being part of Original Lot No. 26, Bond Tract, within said township and further described as follows:

Beginning in the south margin of Chardon Windsor Road at a point where said margin intersects the east line of land conveyed to the Taylor Wells Properties by deed recorded in Vol. 1593, Pg. 951 (P.P. No. 15-070000) of the Geauga County Records of Deeds;

Thence southeasterly along the easterly line of said P.P. No. 15-070000, by the arc of a curve to the right, an arc distance of 58.00 feet, to a point;

Thence southerly, continuing along the easterly line of said P.P. No. 15-070000, a distance of 872.20 feet to the southeast corner thereof;

Thence northwesterly along the southerly line of said P.P. No. 15-070000, a distance of 337.00 feet to the southwest corner thereof;

Thence north along the west line of said P.P. No. 15-070000, a distance of 863.22 feet to the south margin of Chardon Windsor Road;

Thence southeasterly, along the south margin of Chardon Windsor Road, a distance of approximately 316.00 feet to the place of beginning.

This description prepared by J. Arthur Temple, Registered Surveyor No. 4761, dated January, 2007, from deeds of record. [Adopted 01-02-2008]

DESCRIPTION FOR MANUFACTURED HOME PARK AREA

AREA 1.

Situated in the Township of Hambden, County of Geauga and State of Ohio being part of original Lot 29, Bond Tract, within said Township and further described as follows:

Beginning at a point where the north margin of Woodin Road is intersected by the east margin of Brown Road;

Thence northerly along the east margin of Brown Road a distance of 1500 feet to a point;

Thence easterly along the line parallel with the north margin of Woodin Road a distance of 1000 feet to a point;

Thence southerly along a line parallel with the east margin of Brown Road a distance of 835.01 feet to a point; [Adopted 9-6-03]

Thence westerly along the line parallel with the north margin of Woodin Road a distance of 22 feet to a point; [Adopted 9-6-03]

Thence southerly along a line parallel with the east margin of Brown Road a distance of 664.99 feet to a point in the north margin of Woodin Road; [Adopted 9-6-03]

Thence westerly along the north margin of Woodin Road a distance of 978 feet to the place of beginning. [Adopted 9-6-03]

AREA 2.

Situated in the Township of Hambden, County of Geauga and State of Ohio being part of original Lot 23, Bond Tract, within said Township and further described as follows:

Beginning at a point in the north margin of G.A.R. Highway (U. S. Route 6) at the intersection of said north margin with the westerly line of land conveyed to Terrace Glen Estates by deeds recorded in Vol. 553, Pg. 767 and Vol. 562, Pg. 615 of the Geauga County Records of Deeds;

Thence along the westerly side of the said Terrace Glen Estates land by the following five courses:

Course No. 1 - Northwesterly along the said Terrace Glen Estates land distance of approximately 952 feet to an angle point;

Course No. 2 - Southwesterly along the said Terrace Glen Estates land a distance of approximately 30 feet to an angle point;

Course No. 3 – Thence northwesterly along the said Terrace Glen Estates land a distance of approximately 545 feet to angle point;

Course No. 4 - Southwesterly along the said Terrace Glen Estates land a distance of approximately 541 feet to an angle point;

Course No. 5 - Northerly along the said Terrace Glen Estates land a distance of approximately 413 feet to an angle point;

Thence easterly a distance of approximately 470 feet to an angle point;

Thence northerly a distance of approximately 643 feet to a point in the south margin of Woodin Road;

Thence easterly along the south margin of Woodin Road a distance of approximately 457 feet to the northeast corner of the said Terrace Glen Estates land;

Thence along the easterly Side to the said Terrace Glen Estates land by the following three courses:

Course No. 1 - Southeasterly along the said Terrace Glen Estates land a distance of approximately 1120 feet to an angle point:

Course No. 2 - Southwesterly along the said Terrace Glen Estates land a distance of approximately 560 feet to an angle point;

Course No. 3 - Southeasterly along the said Terrace Glen Estates land a distance of approximately 952 feet to a point in the north margin of said G.A.R. Highway.

Thence Southwesterly along the north margin of the G.A.R. Highway a distance of 100 feet to the place of beginning.

AREA 3

Situated in the Township of Hambden, County of Geauga and State of Ohio being part of original Lot 21, Bond Tract, within said Township and further described as follows:

Beginning in the southerly margin of Chardon Windsor Road where said margin is intersected by the west line of land conveyed to Arlene and Laszio Leichtman by deeds recorded in Vol. 591, Pg. 895 and Vol. 732, Pg. 594 of the Geauga County Records of Deeds;

Thence easterly along the southerly margin of Chardon Windsor Road a distance of approximately 870 feet to a point where said road line is intersected by the easterly line conveyed to said Leichtman;

Thence southerly along the easterly line of the said Leichtman land a distance of approximately 2100 feet to a point in the south line of Hambden Township;

Thence westerly along the south line of Hambden Township a distance of approximately 830 feet to the southwest corner of the said Leichtman land;

Thence northerly along the west line of the said Leichtman land a distance of approximately 2350 feet to the place of beginning.

DESCRIPTION FOR PARK AREAS [Adopted 01-02-2008]

ACTIVE PARK DISTRICT (P-2)

AREA 1 [Effective 11-20-2009]

Situated in the Township of Hambden, County of Geauga, and State of Ohio, being part of Original Lot Nos. 18 & 19, Bond Tract, within said township and further described as follows:

Beginning in the northwesterly margin of G.A.R. Highway (U.S. Rt. 6), at the most southerly corner of land conveyed to the Hambden Township Trustees by deed recorded in Vol. 599, Pg. 654 (P.P. No. 15-701100) of the Geauga County Records of Deeds;

Thence northwesterly along the southwesterly side of said P.P. No 15-701100, a distance of 649.50 feet, to the southerly tip of land conveyed to the said Board of Trustees by deed recorded in Vol. 1000, Pg. 989 (P.P. No. 15-703804) of the Geauga County Records of Deeds;

Thence northerly along the west line of said P.P. No.15-703804, a distance of 539.06 feet to the southwesterly corner of another parcel conveyed to said Board of Trustees by deed recorded in Vol. 1000, Pg. 993 (P.P. No. 15-703803) of the Geauga County Records of Deeds;

Thence northwesterly along the westerly line of said P.P. No. 15-703803, a distance of 543.93 feet to the northwest corner thereof;

Thence northeasterly along the northerly line of said P.P. No. 15-703803, a distance of 504.16 feet to the northeast corner thereof;

Thence south along the east line of said P.P. No. 15-703803 and along the east line of another parcel conveyed to said Board of Trustees by deed recorded in Vol. 775, Pg. 540 (P.P. No. 15-703700) of the Geauga County Records of Deeds, a distance of 372.54 feet to the northwest corner of another parcel conveyed to said Board of Trustees by deed recorded in Vol. 887, Pg. 849 (P.P. No. 15-703801) of the Geauga County Records of Deeds;

Thence east along the north line of said P.P. No. 15-703801, a distance of 496.90 feet to the northeast corner thereof;

Thence south along the east line of said P.P. No. 15-703801, a distance of 412.50 feet to the southeast corner thereof;

Thence southwesterly along the southerly line of said P.P. No. 15-703801, a distance of 379.70 feet to a point in the easterly line of another parcel conveyed to said Board of Trustees by deed recorded in Vol. 726, Pg. 53 (P.P. No. 15-703500) of the Geauga County Records of Deeds;

Thence southeasterly along the easterly line of said P.P. No. 15-703500, a distance of 320.00 feet to a point in the north line of another parcel conveyed to said Board of Trustees by deed recorded in Vol. 751, Pg. 794 (P.P. No. 15-703600) of the Geauga County Records of Deeds;

Thence northeasterly along the northerly line of said P.P. No. 15-703600, a distance of 34.30 feet to the northeast corner thereof;

Thence southeasterly along the easterly line of P.P. No. 15-703600, a distance of 231.30 feet to the northwesterly margin of the G.A.R. Highway;

Thence southwesterly along the northwesterly margin of the G.A.R. Highway, a distance of 352.40 feet to the place of beginning.

This description prepared by J. Arthur Temple, Registered Surveyor No. 4761, dated June, 2006, from deeds of record.

AREA 2 [Effective 11-20-2009]

Situated in the Township of Hambden, County of Geauga and State of Ohio and known as being part of the land conveyed to Lawrence L. and Geraldine Chapman, Trustee Volume 1045, Page 160 (Parcel No. 5) of Geauga County Records, of part of Original Hambden Township Lot No. 19, Bond Tract, and being further bounded and described as follows:

Beginning at a 5/8 inch diameter iron pin found in the centerline of Old State Road, (S.R. 608), 66 feet wide at its intersection with the centerline of Woodin Road; Thence North 28° 50' 00" West along the centerline of Old State Road a distance of 315.00 feet to the southwesterly corner P.P. No. 15-075500, conveyed to Lawrence and Geraldine Chapman by deed recorded in Volume 1780, Page 1212 of the Geauga County Records; Thence 74° 17' 11" East, along the southerly line of said P.P. No. 15-075500 and continuing along the southerly line of P.P. No. 15-101915 conveyed to Lawrence L. and Geraldine Chapman, Trustees by deed recorded in Volume 1045, Page 160 of the Geauga County Records a distance of 805.38 feet a 3/4 inch diameter iron pipe found at the southwesterly corner of P.P. No. 15-703803, conveyed to the Board of Trustees of Hambden Township by deed recorded in Volume 1000, Page 993 of the Geauga County Records; Thence North 18°35' 11" West, along the westerly line of said P.P. No. 15-703803 a distance of 543.72 feet to a 5/8 inch diameter iron pin found (observed 0.23 feet East) at the northwesterly corner thereof and principal place of beginning of the parcel of land herein described.

Thence South 77° 29' 39" West, a distance of 105.66 feet to a capped iron pin set;

Thence North 5° 08' 00" West, a distance of 766.07 feet to a capped iron pin set;

Thence South 84° 43' 46" East, a distance of 719.04 feet to a capped iron pin set in the westerly line of P.P. No. 15-077500 conveyed to James A., Jr. and Caroline Slapnik by deed recorded in Volume 1286, Page 160 of Geauga County Records;

Thence South 5° 16' 14" West, a distance of 567.29 feet to a bent 5/8 inch diameter iron pin found (observed 0.35 feet south and 0.25 feet east) at the northeasterly corner of aforesaid P.P. No. 15-703803;

Thence South 77° 29' 39" West, along the northerly line of P.P. No. 15-703803 a distance of 504.16 feet to the principal place of beginning and containing 10.000 acres (435,604 square feet) of land, as surveyed by Stephen Hovancsek & Associates, Inc., in October 2008 under the direction of Robert Smoltz, Registered Surveyor No. 6763, State of Ohio. [Effective 11-20-2009]

Basis of Bearing for this description being the centerline of Old State Road (S.R. 608) established as North 28° 50' 00" West in the deed recorded in aforesaid Volume 1780, Page 1212 of the Geauga County Records and are used only to denote angles. All capped iron pins set are 5/8 inch diameter rebar, 30 inches long with a yellow plastic cap stamped SH&A, 6763. Be the same more or less. [Effective 11-20-2009]

PASSIVE PARK (P-1)

AREA 1

Situated in the Township of Hambden, County of Geauga, and State of Ohio, being part of Original Lot No. 26, Bond Tract, within said township and further described as follows:

Beginning in the south margin of Chardon Windsor Road at a point where said margin intersects the east line of land conveyed to the Geauga Park District by deed recorded in Vol. 1593, Pg. 941 (P.P. No. 15-703819) of the Geauga County Records of Deeds;

Thence southwesterly along the easterly line of said P.P. No. 15-703819, by the arc of a curve to the left, an arc distance of 68.00 feet, to a point;

Thence southerly, continuing along east line of said P.P. No. 15-703819, a distance of 626.10 feet to an angle point;

Thence easterly along a northerly line of said P.P. No. 15-703819, a distance of 344.15 feet to a northeast corner thereof;

Thence southerly along an east line of said P.P. No. 15-703819, a distance of 1987.15 feet to a point in the north line another parcel conveyed to the Geauga Park District by deed recorded in Vol. 1442, Pg. 709 (P.P. No. 15-703802) of the Geauga County Records of Deeds;

Thence easterly and southeasterly along the northerly line of said P.P. No. 15-703802, a distance of approximately 3906.00 feet to a point in the south line of Hambden Township;

Thence westerly along the south line of Hambden Township and with the south line of land conveyed to the Geauga Park District by deed recorded in Vol. 1698, Pg. 399 (P.P. No. 15-703821) of the Geauga County Records of Deeds, and with the south line of a second parcel conveyed to the Geauga Park District by deed recorded in Vol. 1801, Pg. 2331 (P.P. No. 15-102526) of the Geauga County Records of Deeds, and with the south line of a third parcel conveyed to the Geauga Park District by deed recorded in Vol. 1714, Pg. 1197 (P.P. No. 15-703822) of the Geauga County Records of Deeds, a distance of approximately 3801.00 feet to the southwest corner of P.P. No. 15-703822;

Thence north along the west line of P.P. No. 15-703822, a distance of approximately 770.00 feet to the south line of the aforementioned land conveyed to the Geauga Park District known as P.P. No. 15-703802;

Thence westerly along the south line of P.P. No. 15-703802, a distance of approximately 1360.00 feet, to a point in the west line of Hambden Township;

Thence north along the west line of Hambden Township and with the west line of P.P. No. 15-703802, a distance of 100.00 feet to the northwest corner thereof;

Thence easterly along the north line of P.P. No. 15-703802, a distance of approximately 651.00 feet to the southwest corner of the aforementioned land conveyed to the Geauga Park District, known as P.P. No. 15-703819;

Thence north along the west line of P.P. No 15-703819, a distance of 1857.90 feet to an angle point;

Thence southeasterly along a northerly line of said P.P. No. 15-703819, a distance of 337.00 feet to an angle point;

Thence northerly along a westerly line of said P.P. No. 15-703819, a distance of 872.20 feet to a point of curvature;

Thence continuing along the westerly line of said P.P. No. 15-703819, by the arc of a curve to the left, an arc distance of 58.00 feet, to a point in the south margin of Chardon Windsor Road;

Thence southeasterly along the south margin of Chardon Windsor Road, a distance of 141.70 feet to the place of beginning.

This description prepared by J. Arthur Temple, Registered Surveyor No. 4761, dated June, 2006, from deeds of record.

AREA 2

Situated in the Township of Hambden, County of Geauga, and State of Ohio, being part of Original Lot No. 12, Parker Tract, within said township and further described as follows:

Beginning in the west line of Hambden Township, at a point where said township line is intersected by the north margin of Pearl Road, said intersection also being a point in the west line of land conveyed to the Geauga County Board of

Commissioners by deed recorded in Vol. 431, Pg. 877 (P.P. No. 15-703805) of the Geauga County Records of Deeds;

Thence north along the west line of Hambden Township and with the west line of said P.P. No. 15-703805, and with the west line of another parcel conveyed to said Board of Commissioners by said Vol. and Pg. (P.P. No. 15-700700), a total distance of approximately 3864.00 feet, to the northwest corner thereof;

Thence east along north line of said P.P. No.15-700700 and along the north line of two more parcels conveyed to the said Board of Commissioners by said Vol. and Pg. (P.P. Nos. 15-700600 & 15-700500), a distance of approximately 1248.00 feet to the northeast corner thereof;

Thence south along the east line of said P.P. No. 15-700500, a distance of approximately 1310.00 feet to a northwest corner of land conveyed to the Geauga Park District by deed recorded in Vol. 1691, Pg. 1172 (P.P. No. 15-102399) of the Geauga County Records of Deeds;

Thence east along the north line of said P.P. No. 15-102399, and along the north line of another parcel conveyed to said Park District by deed recorded in Vol. 1691, Pg. 1169 (P.P. No. 15-102398) of the Geauga County Records of Deeds, a distance of 1042.10 feet to the northeast corner thereof;

Thence south along the east line of said P.P. No. 15-102398, a distance of 1343.50 feet to a point in a southeast corner thereof;

Thence west along a south line of said P.P. No. 15-102398, a distance of 575.00 feet to an angle point.

Thence south along an east line of said P.P. No. 15-102398 and along the east line of another parcel conveyed to said Park District by deed recorded in Vol. 1691, Pg. 1166 (P.P. No. 15-102397) of the Geauga County Records of Deeds, a distance of 555.00 feet to a point in the north margin of Pearl Road;

Thence west along the north margin of Pearl Road, a distance of 100.00 feet to a point in the west line of said P.P. No. 15-102397;

Thence north along the west line of said P.P. No. 15-102397 and along the west line of P.P. 15-102398, a distance of 658.30 feet to the southeast corner of the aforementioned land conveyed to the Geauga Park District, known as P.P. No. 15-102399;

Thence along the southerly end of P.P. No. 15-102399, by the following three distances:

- 1.) southwesterly, a distance of 163.37 feet to an angle point,
- 2.) northwesterly, a distance of 266.78 feet to an angle point, and
- 3.) west, a distance of 96.90 feet,

to a point in the east line of the aforementioned Board of Commissioners land known as P.P. No. 15-700500.

Thence south along the east line of P.P. No. 15-700500, a distance of 904.90 feet to a point in the north line of another parcel conveyed to said Board of Commissioners by said deed recorded in Vol. 431, Pg. 877 (P.P. No. 15-102425);

Thence east along the north line of P.P. No. 15-102425, a distance of approximately 140.00 feet, to a point in the northerly margin of Pearl Road;

Thence southwesterly along the northerly margin of Pearl Road a distance of approximately 1635.00 feet to the place of beginning.

This description prepared by J. Arthur Temple, Registered Surveyor No. 4761, dated June, 2006, from deeds of record.

AREA 3

Situated in the Township of Hambden, County of Geauga, and State of Ohio, being part of Original Lot Nos. 1, 2, 6, & 7, Bond Tract, within said township and further described as follows:

Beginning in the east margin of Old State Road (U.S. Rt. 608), where said margin is intersected by the north margin of Sisson Road, said intersection also being a point in the west line of land conveyed to the State of Ohio by deed recorded in Vol. 266, Pg. 581 (P.P. No. 15-702900) of the Geauga County Records of Deeds;

Thence northerly along the east margin of Old State Road and with the west line of said P.P. No 15-702900, a distance of approximately 3840.00 feet, to the northwest corner thereof;

Thence east along a north line of said P.P. No.15-702900, a distance of approximately 422.00 feet to the southwest corner of another parcel conveyed to State of Ohio by deed recorded in Vol. 356, Pg. 67 (P.P. No. 15-702800) of the Geauga County Records of Deeds;

Thence north along the west line of said P.P. No. 15-702800 and along the west line of another parcel conveyed to the State of Ohio by deed recorded in Vol. 427, Pg. 993 (P.P. No. 15-702700) of the Geauga County Records of Deeds, a distance of approximately 1840.00 feet to the northwest corner thereof;

Thence east along the north line of said P.P. No. 15-702700, a distance of approximately 828.00 feet to a southwest corner of another parcel conveyed to the State of Ohio by deed recorded in Vol. 427, Pg. 993 (P.P. No. 15-702600) of the Geauga County Records of Deeds;

Thence north along the west line of said P.P. No. 15-702600, a distance of approximately 1406.00 feet to the northwest corner thereof;

Thence easterly along the north side of said P.P. No. 15-702600, by the following five distances:

- 1.) east, a distance of approximately 1433.00 feet to an angle point,
- 2.) south, a distance of approximately 565.00 feet to an angle point,
- 3.) east, a distance of approximately 605.00 feet to an angle point,
- 4.) south, a distance of approximately 250.00 feet to an angle point, and
- 5.) east, a distance of approximately 1867.00 feet to the northeast corner thereof;

Thence south along the east line of said P.P. No. 15-702600 and along an east line of the aforementioned P.P. No. 15-702900, a distance of approximately 3616.00 feet to an angle point;

Thence east along the north line of said P.P. No. 15-702900, a distance of approximately 1820.00 feet to a northeast corner thereof;

Thence south along an east line of said P.P. No. 15-702900, a distance of approximately 2550.00 feet to a point in the north margin of Sisson Road;

Thence west along the north margin of Sisson Road, a distance of approximately 6772.00 to the place of beginning.

This description prepared by J. Arthur Temple, Registered Surveyor No. 4761, dated June, 2006, from deeds of record.

Section 301.0: Official Zoning Map

The boundaries of the zoning districts listed in section 300.0 and described in section 300.1 in this resolution are shown on the official township zoning map which is hereby incorporated as 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 300.1, the legal description of the zoning district shall be controlling.

The official township zoning map shall be identified by the signatures of the township trustees and attested to by the township fiscal officer together with the date of its adoption and the effective date. [Effective 11-20-09]

Section 301.1: Location of Official Zoning Map

The official township zoning map shall be located in the office of the township fiscal, 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. [Effective 11-20-09]

Section 301.2: 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 XII of this resolution.

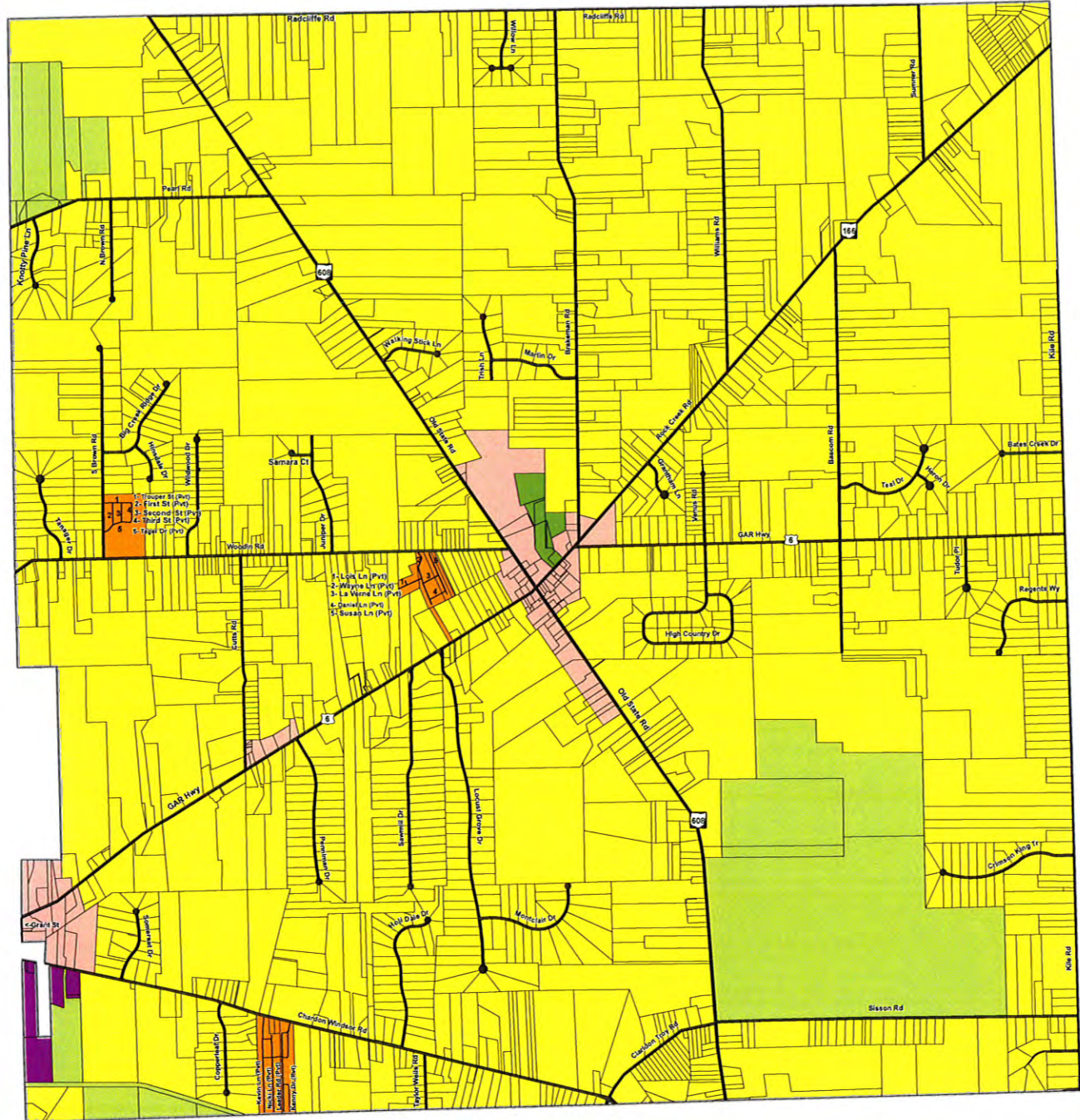
All amendments to the official township zoning map shall be made by adopting a new official zoning map which shall be identified by the signatures of the township trustees and attested to by the township fiscal officer together with the date of its adoption and its effective date. Said map shall be located in the office of the township fiscal officer and kept together with the original township zoning map and all other amended zoning maps in the manner provided in section 301.1. [Effective 11-20-09]

Chardon Township

Chardon City

Montville Township

Claridon Township



Hambden Township Zoning Map



Zoning Districts

- R-1: Residential
- MHP: Manufactured Home Park
- C: Commercial
- I: Industrial
- P1: Passive Park District
- P2: Active Park District

Prepared By: Geauga County Planning Commission
 1992. Note: The Geauga County Planning Commission does not warrant the accuracy of the map. It is not based upon a land survey.

Revised March 1998, November 2000, June 2003, July 2003, February 2007, July 2009, August 2011.

Amendment No. ZC-2009-1 is Hereby Adopted by the Hambden Township Board of Trustees this 21st Day of October 2009.

Effective the 20th Day of November, 2009.

Roads and lot lines updated this 30th day of September, 2011.

Nadine Pope
 Nadine Pope, Trustee

Keith McClintock
 Keith McClintock, Trustee

Edward Kaminski
 Edward Kaminski, Trustee

Laura Chorman
 Laura Chorman, Fiscal Officer

ARTICLE IV
DISTRICT REGULATIONS

Section 400.0: General (Adopted 02-15-2012)

- A. The uses set forth as principal uses in each zoning district shall be permitted by right as the principal building, structure, or use of a lot.
- B. The uses set forth as accessory uses in each zoning district shall be permitted by right as buildings, structures, or uses which are subordinate and incidental to principal buildings, structures, and uses.
- C. The uses set forth as conditional uses in each zoning district shall not be permitted by right. Such building, structures, and uses may be permitted only under specific conditions and in accordance with the provisions of Article V.
- D. The permitted principal, accessory, and conditional buildings, structures, and uses set forth in this resolution shall comply with Article XV and Article XVI.

Section 401.0: Buildings, Structures, and Uses in all Zoning Districts (Adopted 02-15-2012)

- A. Permitted Buildings, Structures, and Uses in all Zoning Districts
 - 1. All accessory buildings shall be a minimum of ten (10) feet from the principal building, and any other accessory building on a lot.
 - 2. Only one principal building shall be permitted on a lot of record except within the manufactured home park zoning districts.
 - 3. Porches, platforms, decks and patios shall be considered a part of the building or structure to which attached and shall not project into the required minimum front, side or rear yard setbacks.
 - 4. Wind Driven Aeration Systems or Aeration Windmills shall be classified as an accessory structure and shall be subject to the following regulations: (Adopted 05-07-2014)
 - a. Only one (1) per pond or lake.
 - b. Minimum setback: The setback from all lot lines shall be a minimum of twenty (20) feet or the maximum height of the windmill, whichever is greater.
 - c. Maximum height: Thirty-five (35) feet.
- B. Prohibited Buildings, Structures, and Uses in all Zoning Districts
 - 1. Any building, structure, or use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefore, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article XII or a variance has been granted in accordance with Article X.
 - 2. Lighting fixtures and devices from which direct glare is visible on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.
 - 3. Mobile homes shall be prohibited.
 - 4. Junk vehicles stored or located outside of a fully enclosed building shall be prohibited. A tarp, fitted cover, tent, or any other temporary cover shall not constitute a building for purposes of this section.
 - 5. Automotive wrecking shall be prohibited.

6. Junk yards shall be prohibited.
7. Manufactured home parks shall be prohibited except within manufactured home park zoning districts.
8. Private road(s) shall be prohibited.
9. Outdoor wood fired boiler shall be prohibited. (Adopted 05-07-2014)

Section 402.0: R-1 Residential District

Section 402.1: Permitted Principal Buildings, Structures, and Uses

- A. Adult family homes and licensed family homes subject to the regulations set forth in **Section 402.14**.
- B. Cemeteries
- C. Churches
- D. Governmental offices
- E. Police and fire stations
- F. Public parks
- G. Public schools
- H. Single family detached dwellings including industrialized units and manufactured homes subject to the regulations set forth in Section 402.12. There shall be no more than one single family detached dwelling on a lot.

Section 402.2: Permitted Accessory Buildings, Structures, and Uses [Adopted 09-06-03]

- A. Permitted accessory buildings, structures, and uses which are incidental or subordinate to the principal permitted buildings, structure, or use shall be on the same lot as the principal permitted building, structure or use. [Adopted 09-06-03]
- B. Farm markets, shall be permitted in a district zoned for manufactured home park, industrial, residential or commercial uses where fifty per cent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- C. Fences and walls in accordance with the following regulations:
 - 1. Fences and walls shall be erected outside of the right-of-way of any public road.
 - 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersections of any public road.
 - 3. Fences and walls shall not be constructed in any manner likely to cause physical injury.
 - 4. Fences and walls shall be maintained in a safe condition.
 - 5. The maximum height requirement shall be as set forth in **Section 402.8 (B) (5)** except as may otherwise be provided in this Resolution.
 - 6. Electrically charged fences and barbed wire fences shall be prohibited (subject to R.C. 971.03). Note: any fence that is incidental to agriculture is exempt from this regulation and no zoning certificate is required.
 - 7. Fences: finished/unfinished.
 - a. Along lot lines the unfinished side of a fence, including the structural supports and posts, should face the property upon which the fence is constructed.

- D. Off-street parking spaces in accordance with **Article VI**.
- E. Private garages designed and used for the storage of vehicles owned and/or operated by the occupants of the principal building or structure.
- F. Radio, television or dish antennas designed for the private use of residents in accordance with Section 402.8.
- G. Sanitary and drinking water facilities.
- H. Storage buildings designed and used for the storage of tools and equipment owned by the occupants of the principal building or structure.
- I. Signs in accordance with **Article VII**.
- J. Minor structures:
 - 1. Any single story accessory building measuring eighty (80) square feet or less not exceeding ten (10) feet in any dimension, and not permanently attached to the ground.
 - 2. A minor structure shall conform to front yard setback.
- K. 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 of the principal use, or their guests, of the property on which it is located.
 - 2. A swimming pool shall not be located closer than twenty (20) feet to any side or rear lot line, and shall not be located in any front yard.
 - 3. All in-ground swimming pools shall be completely enclosed by a fence at least four (4) feet in height; constructed in a manner that entry must be through a latchable gate. A wall of a building may be considered a section of the fence. [Adopted 09-06-03]
- L. Tennis courts:
 - 1. A tennis court shall be used solely for the enjoyment of the occupant(s) of the principal use, or their guests, of the property on which it is located.
 - 2. The height of any fence surrounding a tennis court shall not exceed twelve (12) feet.
- M. Roof mounted and freestanding solar panels and solar panel arrays shall be in accordance with Article VIII. (Adopted 05-07-2014)
- N. Breezeways shall: (Adopted 05-07-2014)
 - 1. Be fully enclosed with side walls and a roof on a permanent foundation.
 - 2. Consist of a permanent connection between a dwelling unit and an accessory building or between an accessory building and another such building on a lot.
 - 3. Not connect two (2) or more dwelling units on a lot.

Section 402.3: Conditional Buildings, Structures, and Uses

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

A. Home Occupations

1. A home occupation is an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the lot as a dwelling and residence, and is conducted entirely within the dwelling unit, without any adverse effect upon the surrounding neighborhood.
2. Conditions for home occupations:
 - a. A home occupation may be established only within a dwelling unit. Only one (1) home occupation may be established on a lot.
 - b. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25 percent (25%) of the total usable floor area of a dwelling unit, not to exceed five hundred (500) square feet, shall be used in the conduct of a home occupation. Usable floor area of a dwelling unit shall be determined by measuring its interior dimensions, in accordance with section 402.10.
 - c. There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with **Article VII**.
 - d. Off-street parking spaces shall be provided in accordance with **Article VI**.
 - e. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
 - f. The minimum width of a driveway for ingress and egress to a home occupation shall be twenty (20) feet. Such driveway shall be constructed with an all-weather surface.
 - g. The dwelling unit in which a home occupation is conducted shall conform with all the regulations for the zoning district in which it is located.
 - h. No more than one (1) person, other than the members of the family residing on the premises, may be employed or engaged in a home occupation.
 - i. Articles offered for sale on the premises shall be limited to those produced in the dwelling unit.
 - j. A home occupation shall be owned and operated by the owner or resident of the property or his immediate family.
 - k. Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities for a home occupation.
 - l. Local Fire Department shall be notified by the Zoning Inspector to insure compliance with the State fire and safety regulations.
 - m. No equipment or process shall used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference, detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates

visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

- B. Adult Group Home, herein after referred to as the "facility", as defined in **Section 201.0** of this Resolution. All adults to whom the facility provides accommodations shall be considered as one group in determining the total number of residents in the adult group home. The adult group home must meet the following minimum conditions:
1. The facility must be licensed in accordance with **Chapter 3722 of the Ohio Revised Code** and **Chapter 3701-20 of the Ohio Administrative Code**.
 2. The application for a Conditional Zoning Certificate shall be accompanied by the license application submitted to the State of Ohio Director of Health, as required by **Section 3701-02 of the Ohio Administrative Code**.
 3. The plans for the facility must initially be reviewed and approved by the Hambden Volunteer Fire Department in order to show compliance with the requirements of Section 3701-20-11 of the Ohio Administrative Code and all other applicable building and safety codes. In addition, the Adult Group Home shall include the following:
 - a. Supervised alarm system with manual pull stations. Alarm shall go to the Hambden Volunteer Fire Department.
 - b. Hood suppression system in cooking area.
 - c. Illuminated exit signs with battery backup.
 - d. Emergency lighting.
 - e. Smoke detectors.
 - f. A means of egress door in the sleeping area. This exit shall be equipped with panic hardware.
 - g. Adequate fire extinguishers located in appropriate location.
 4. The facility must initially be inspected by the appropriate governmental agency or department in order to show compliance with Section 3701-20-11 (building, plumbing, and interim fire safety requirements for adult group homes) and Section 3701-20-12 (water, sewage, plumbing, and electrical inspection requirements for all adult care facilities) of the Ohio Administrative Code and all other applicable building and safety codes. Future inspections shall show continued compliance with said Sections and the Board of Zoning Appeals may request the applicant or the appropriate governmental agency or department to provide proof of such compliance.
 5. The adult group home shall have received approval from the Ohio Environmental Protection Agency (EPA) for the sanitary sewage facility to serve the home and proof of said approval shall be submitted to the Board of Zoning Appeals from the Ohio EPA.
 6. The facility shall be allowed only in those areas of the township with ground water availability of 25 GPM or more. The Board of Zoning Appeals may require a report concerning ground water availability for the facility from a hydrologist or a private water system contractor registered with the Ohio Department of Health.
 7. The number of resident beds in the facility may not exceed 1.5 times the number of resident bedrooms.

8. The bedroom space provided for each resident shall meet all of the minimum criteria outlined in **Section 3701-20-22(D) of the Ohio Administrative Code.**
9. No adult group home shall be located within 10,560 feet of another adult group home licensed under **Chapter 3722 of the Ohio Revised Code.**
10. One (l) parking space shall be made available per bedroom plus one (1) parking space per staff, per shift, and shall be located to the rear of the facility.
11. The exterior of the facility shall be compatible in character with other residential dwellings in the area.
12. A minimum of two (2) environmental options shall be provided, such as a landscaped yard, gardening, patio or screened porch, which shall be approved by the Board of Zoning Appeals for adequacy and safety.
13. The facility shall be established on a lot with a minimum of five (5) acres.
14. The facility shall be located in the residential district (R-l).
15. The facility shall comply with all other zoning requirements imposed by the Hambden Township Zoning Resolution, including but not limited to the signage requirements contained in Article VII.
16. The facility shall be required to reapply for a conditional zoning certificate every three (3) years, ninety (90) days prior to the anniversary date of the original conditional zoning certificate.

C. Conditions for a Bed and Breakfast Inn

1. The Bed and Breakfast Inn 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 Inn on a lot.
2. The use of a dwelling for a Bed and Breakfast Inn shall be clearly incidental and subordinate to its use for residential purposes by its owner-occupant(s).
2. One (1) individual not residing in the Bed and Breakfast Inn may be employed in its operation.
3. No more than three (3) rooms shall be offered for rent. A minimum of one (1) full bathroom shall be designated for guest(s) use only. At no time during the operation as a Bed and Breakfast Inn shall more than eight (8) guests be accommodated during any one night.
4. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure or building.
5. No cooking facilities of any type shall be permitted in the rented rooms. The only meal that may be served at the property for guests is breakfast, and all such breakfast service shall be completed by 11:30 a.m.
6. A minimum of one (1) on-site parking space per room offered for rent and two (2) spaces for the owner shall be required. All parking shall be located to the rear or side of the dwelling. Such parking spaces shall not be located in any front yard setback or in the front of the dwelling on a lot.
 - a. The driveway shall be constructed of asphalt, chip and seal, or concrete.

- b. Parking spaces shall be a minimum of 10 feet from any side or rear lot line in a residential district.
 - c. All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause direct glare and shall be directed away from any lot lines and toward the principal building and parking are on a lot.
To minimize light trespass, all lighting fixtures with lamps rated at maximum of two-foot candles with cut-outs if necessary, and a full cut-off light switch. For purposes of this regulation, a full cutoff light fixture is defined as one which emits no light above a horizontal plane drawn through the lowest part of the fixture.
 - d. Exterior lighted signs shall utilize shielded light fixtures from which direct light is not emitted beyond the boundaries of the sign.
7. Applicant shall arrange for all guest parking to be in an orderly manner on the lot that will permit emergency vehicle access and maneuverability.
 8. There shall be no change to the exterior appearance of a dwelling or other visible evidence of the conduct of a bed and breakfast inn therein with the exception of one sign, not exceeding six (6) square feet per sign face.
 9. There shall be no flags or banners flown on the lot except the flag of the United States or any other governmental entity.
 10. The Bed and Breakfast Inn will comply with all federal, state, county, and township regulations including the regulations for the zoning district in which it is located.
 11. Renewal of the conditional zoning certificate is pursuant to Article V of the Hambden Township Zoning Resolution.
 12. In order to promote public health and safety, the Zoning Board of Appeals may require any other reasonable conditions or safeguards.
 13. A new Conditional Zoning Certificate must be applied for within thirty (30) days after change of ownership in order to continue to operate the bed and breakfast inn. A conditional zoning certificate is non-transferable.
 14. Copies of all completed inspections by the Geauga County General Health District relative to septic system, appropriate plumbing, and food service issues; and by the Geauga County Building Department relative to acceptable wiring and fire protection shall be provided at the time of application.
- D. Conditions for Small Wind Energy Conversion Systems (SWECS) shall be in accordance with Article VIII. (Adopted 05-07-2014)

Section 402.4: Prohibited Buildings, Structures, and Uses

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

- A. Surface Mining.
- B. Any use of property that limits or creates any danger to health and safety in the surrounding area, or creates any offensive noise, vibration, smoke, dust, heat, glare, fume, air pollutants or objectionable effluents.

- C. Storage of explosive, flammable or toxic wastes unless in accordance with **Section 406.2 Performance Standards.**
- D. Vehicle repairs conducted on a continuing, successive and/or repeated basis outside of a fully enclosed building.
- E. Mobile homes.
- F. Manufactured home parks.
- G. Storage or parking of Construction Equipment and Other Large Vehicles
 - 1. The storage or parking of backhoes, bulldozers, well rigs, and other similar construction equipment, other than equipment temporarily used for construction upon the lot.
 - 2. The storage or parking of any commercial tractor, as defined in this resolution, and the storage or parking of a commercial trailer, as defined in this resolution on a lot, excluding vehicles making temporary service or delivery calls.

Section 402.5: Minimum Lot Area

- A. The minimum lot area shall be three (3) acres.
- B. There shall be no more than one (1) single family detached dwelling per lot.

Section 402.6: Minimum Lot Frontage and Width (Adopted 05-07-2014)

The minimum lot frontage and width shall be two hundred (200) feet, except for lots located on a permanent cul-de-sac road turnaround and rear lots. (See section 402.13) (Adopted 05-07-2014)

- A. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot width shall be sixty (60) feet at the front lot line and two hundred (200) feet at the building setback line.
- B. For a rear lot, the minimum lot width shall be sixty (60) feet at the front lot line and two hundred (200) feet at the building setback line. (See section 402.13)

Section 402.7: Minimum Yards [Adopted 3-16-2011]

For the purpose of determining yard requirements on corner lots and through lots, all lot lines adjacent to roads shall be considered frontage and the front yard set forth herein shall apply

- A. The minimum yards for all buildings, structures, and uses, except accessory buildings, structures, and uses shall be as follows:
 - 1. Front yard: 100 feet
 - 2. Each side yard: 30 feet
 - 3. Rear yard: 50 feet
- B. The minimum yards for all accessory buildings, structures, and uses shall be as follows:
 - 1. Front yard: 100 feet
 - 2. Each side yard: 20 feet
 - 3. Rear yard: 20 feet

Section 402.8: Maximum Height

- A. The maximum height of all buildings, structures and uses except those listed in paragraph B herein shall be thirty-five (35) feet or two and one half (2½) stories, whichever is lesser.
- B. Special maximum heights:
1. Belfries, church spires, clock towers, cupolas, chimneys and flagpoles: no maximum height requirement.
 2. Radio and/or television antennas shall not exceed ten (10) feet in height above the roofline if attached to the building or structure, or forty-five (45) feet if mounted in the ground. Dish antennas shall be in the rear yard, shall be a maximum of twelve (12) feet in diameter and shall not exceed sixteen (16) feet in height.
 3. Small Wind Energy Conversion Systems (SWECS) shall not exceed the maximum height set forth in Article VIII of this resolution. (Adopted 05-07-2014)
 4. The base of any structure beyond thirty-five (35) feet in height shall not be closer to the lot line than the height of the structure.
 5. All fences located in the front yard of a residential district shall be a maximum of four (4) feet in height and fences located in the side or rear yard shall be a maximum height of six (6) feet.
 6. Gates and decorative entryways to private driveways shall have a maximum height of six (6) feet.
 7. Telecommunications towers and appurtenant shall not exceed the maximum height set forth in **Article XIII** of this resolution.

Section 402.9: Maximum Lot Coverage

The maximum lot coverage shall be ten (10) percent.

Section 402.10: Minimum and Maximum Floor Area [Adopted 3-16-2011]

A. The minimum floor area for a principal permitted building or structure shall be as follows:

1. Per single family dwelling
 - a. One (1) story with or without basement:
Net floor area - 1500 square feet
 - b. More than one (1) story:
Ground floor area - 1000 square feet
Net floor area - 1600 square feet

In calculating the minimum floor area, the following area shall not be included: basements, attics, garages, enclosed or unenclosed porches and/or decks, exterior balconies, breezeways, and crawl spaces. (Adopted 05-07-2014)

B. The maximum floor area for a permitted accessory building shall be one thousand five hundred (1500) square feet or five hundred (500) square feet per acre, whichever is greater.

Section 402.11: Permitted Buildings, Structures, and Uses in Required Yards

A. Awnings or canopies over windows and doors

- B. Chimneys
- C. Fences
- D. Flagpoles
- E. Mailboxes and newspaper tubes
- F. Off-street parking spaces in accordance with Article VI.
- G. Ornamental and security lighting fixtures
- H. Ponds and ornamental pools
- I. Signs in accordance with Article VII
- J. Student bus shelters (provided that school-age children are residents)
- K. Swimming pools shall require a front yard setback of 100 feet
- L. Swing sets and recreational equipment shall require a front yard setback of 100 feet.
- M. Television, radio and dish antennas shall require a front yard setback of 100 feet.
- N. Uncovered porches, patios, steps, and decks
- O. Arbors, trellises and gazebos
- P. Recreational vehicles for residence use limited to not more than thirty (30) cumulative days when occupied by a non-resident of the Township. Such trailer may be so used when located on occupied property.
- Q. Minor structures shall require a front yard setback of 100 feet.

Section 402.12: Manufactured Homes

Manufactured homes shall conform with all of the following regulations.

A Regulations for a manufactured home

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

1. Conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 U.S.C.A. Section 5415, and; be manufactured after January 1, 1995; and
2. Have all hitches, axles, wheels, running lights and other indicia of mobility removed from the home; and
3. Exclusive of any addition, have a width of not less than 22 feet at one point, a length of not less than 22 feet at one point, and a minimum floor area in accordance with the residential district in which it is located; and

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

Section 402.13: Rear Lot

- A. The rear lot shall conform to all the regulations of the residential zoning district in which it is located except as otherwise specified in the Resolution. There shall be only (1) rear lot to the rear of another front lot; said front lot shall have the minimum lot width specified in Section **402.6(A)**.
- B. The access strip shall be a minimum of sixty (60) feet wide along its entire length. The access strip shall be straight from the road to the rear lot. The maximum length of an access strip measured from its point of intersection with a road, along its centerline to its point of termination, shall be nine hundred (900) feet. The access strip shall contain one (1) driveway and shall not be included in calculating minimum lot area and shall not be a part of the yard requirements included in this Resolution. The access strip shall remain unoccupied and unobstructed by any building(s) or structure(s).
- C. There shall be no more than two (2) adjacent access strips and there shall be at least two (2) lots with two hundred (200) feet of width (measured both at the front lot line and at the building setback line) between the aforementioned access strips and any other access strip.
- D. The driveway length and width shall be in accordance with **Section 607.0**. The grade of the driveway shall not exceed eighteen percent (18%). There shall be no parking on the access portion of the driveway. The driveway shall be maintained clear of snow or other obstructions.
- E. There shall be minimum yard setback of one hundred (100) feet measured from the rear lot line of the front lot to any structure,
- F. There shall be a vertical address marker, using no less than four (4) inch high numerals on a minimum four (4) inch by four (4) inch pole extending five (5) feet above the ground, clearly visible, adjacent to the driveway at the road. All of the preceding dimensions in the previous sentence are minimums. No zoning certificate is required for the address marker.

Section 402.14: Adult Family Homes [O.R.C. Section 5119.70 (A) (7)] and Licensed Residential Facilities [O.R.C. Section 5123.19 (A) (1) (a)] (Adopted 05-07-2014)

- A. Requirements for an adult family home as defined herein and in O.R.C. 5119.70(A)(7) or a licensed residential facility as defined in O.R.C. Section 5123.19(A)(1)(a) and which is operated pursuant to O.R.C. Section 5123.19(O) shall include the following:
 1. The area, height, and yard requirements for the residential zoning district in which the adult home or licensed residential facility is located shall be met.
 2. Proof of compliance with applicable state regulations regarding licensing of the adult family home or licensed residential facility shall be provided.

3. In order to limit excessive concentration, no adult family home shall be located within a 10,560 foot radius of another such home.
4. There shall be no more than one (1) detached adult family home or licensed residential facility on a lot.

Section 403.0: Commercial District (C)

Section 403.1: Permitted Principal Buildings, Structures, and Uses:

Abstractors
Advertising
Antique Shops
Appraisers
Arborist
Architect
Artists
Artists Supply Store
Astrologers
Attorney
Auctioneers
Auditors
Automobile Sales Rooms

Bakeries
Banks and other lending institutions
Barber Shop
Beauty Parlors
Biochemist
Bookkeepers
Bowling Alleys
Brokers
Builders

Cartographer
Chaplain
Child care center [Adopted 09-06-03]
Chiropractor
Churches
Clinics
Clothing and Apparel Stores
Commercial Schools including dancing, business, trade, vocational or riding
Computer Programmer
Consultants
Court Reporter
Copywriter

Daycare [Adopted 09-06-03]
Dentist
Designer
Drapery and Fabric Shops
Drugstores

Excavators
Engineer
Florist Shops
Food and beverage stores, including supermarkets, grocery stores, meat markets and delicatessens
Furniture household goods and appliance store

Gas Station Mini-mart
Gift and Stationary Stores

Governmental and administrative offices and or buildings
Greenhouses

Hardware and Paint Stores
Hypnotist

Interior Decorators
Investigator
Investment Counselor

Landscapers
Lending Libraries
Locksmiths
Luggage and leather goods store
Lunchrooms, restaurants and cafeterias

Magician
Marriage Counselors
Market Research Analyst
Medical and orthopedic appliance stores
Musician
Music and musical instrument stores

Office supply stores
Opticians
Optometrist

Pet/Pet supply stores
Photographer/Photographic studios
Plumbing and heating supplies
Physical Therapist
Physician
Picture framing shops
Psychiatrists
Psychologists

Real Estate Agent

Schools
School child care center [Adopted 09-06-03]
Seed or garden supply stores
Signs
Skating rinks
Sporting goods stores
Surveyors

Teacher/tutor
Travel Bureaus
Toxicologist
Toy stores

Veterinarian

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

- A. Off-street parking areas pursuant to **Article VI**.
- B. Signs pursuant to **Article VII**.
- C. Storage within completely enclosed buildings.
- D. Customary accessory uses and buildings provided such are clearly incidental to the principal use.
- E. Radios, television or dish antennas in accordance with **Section 402.8**.
- F. Fences and walls.
- G. Roof mounted and freestanding solar panels or solar panel arrays shall be in accordance with Article VIII. (Adopted 05-07-2014)
- H. Breezeways shall: (Adopted 05-07-2014)
 - 1. Be fully enclosed with side walls and a roof on a permanent foundation.
 - 2. Consist of a permanent connection between a dwelling unit and an accessory building or between an accessory building and another such building on a lot.
 - 3. Not connect two (2) or more dwelling units on a lot.

Section 403.3: Conditional Buildings, Structures, and Uses

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

- A. Hospitals and veterinary hospitals
 - 1. Conditions for hospitals and veterinary hospitals.
 - a. A hospital or a veterinary hospital shall conform with all of the regulation for which it is located.
 - b. The number of off-street parking spaces shall be in accordance with **Article VI**.
 - c. Signs shall be in accordance with **Article VI**.
- B. Service stations
 - 1. Uses allowed:
 - a. Sales and services of spark plugs, batteries, and distributor 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, and mirrors.
 - d. Washing, polishing and sale of washing and polishing materials.

- e. Greasing and lubrication.
- f. Providing and repairing fuel pumps, oil pumps, and lines.
- g. Minor servicing and repair of carburetors.
- h. Adjusting and repairing brakes.
- i. Minor motor adjustments not involving removal of the head or crankcase.
- j. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
- k. Provision of road maps and other informational materials to customers; and the provision of restroom facilities.

2. Prohibited Uses:

- a. Uses permissible at a service station do not include:
 - 1. Major mechanical and bodywork
 - 2. Straightening of body parts
 - 3. Painting
 - 4. Welding
 - 5. Storage of automobiles not in operable condition
 - 6. Sale of motor vehicles.

3. Conditions:

- a. All fuel storage tanks shall be completely underground.
- b. Pumps shall be a minimum of 50 feet from the road right-of-way margin.
- c. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
- d. All storage of supplies shall be within completely enclosed buildings during non-business hours.
- e. No more than two (2) vehicles may be stored outside of an enclosed building or structure.
- f. The number of off-street parking spaces shall be in accordance with Article VI.
- g. Signs shall be in accordance with Article VII.
- h. A service station shall comply with all of the regulations for the zoning district in which it is located.

C. Mini-storage [Adopted 02-15-2012]

- 1. Conditions for mini-storage

- a. The maximum size of each individual single building shall not exceed three thousand (3000) square feet.
- b. Maximum building height shall be eighteen (18) feet.
- c. One (1) driveway for ingress/egress in accordance with Article VI shall be allowed.
- d. The loading/unloading spaces and driveway access aisles shall be a minimum width of twenty-four (24) feet.
- e. A driveway with a minimum width of forty (40) feet shall be required between buildings, and between the front or rear fence.
- f. A buffer zone shall be part of the lot on which the permitted mini-storage unit is located. All buffer zones abutting the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.
- g. Mini-storage shall comply with Ohio Basic Building Code (OBBC) for S-1 storage.
- h. The owner shall include in the language of the lease or rental agreement that the fire department shall have access to the rental unit annually for the purpose of inspection. The owner is to have a master key for the inspection.
- i. The owner shall purchase and install a Knox Box system or similar system outside the gate for entry upon the premises by emergency personnel for emergency purposes.
- j. A fire alarm system with 24-hour monitoring is required.
- k. All buildings and/or outside storage area shall be a minimum of forty (40) feet apart.
- l. Outdoor storage is only permitted when in conjunction with mini storage buildings that meets conditions set forth in section 403.3 (C).
- m. A 20lb ABC extinguisher shall be required, enclosed in a weatherproof box, at the ends of each building.
- n. The Fire Department shall review and approve the plans prior to a conditional zoning certificate being granted.
- o. Security lights shall be required around each building. All outdoor lights shall be shielded to direct the light and glare only onto the mini-storage premises. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
- p. If electrified, the interior of each unit shall utilize ceiling mounted fluorescent lighting.
- q. All outdoor storage shall be located to the rear of the mini-storage buildings within the fenced area.
- r. The maximum area devoted to outdoor storage shall not exceed fifty (50%) percent of the total square footage of existing or proposed mini-storage units on a lot.
- s. The surface area on which outside storage is kept shall be constructed of aggregate stone, asphalt, chip and seal, or concrete.
- t. Owner initiated auctions of delinquent rental units or properties are limited to one per quarter.
- u. Signs
 1. One ground sign shall be permitted, not to exceed sixteen (16) square feet with no more than two advertising faces for business identification.
 2. The height of the sign shall not exceed six (6) feet.
 3. All signs shall be in accordance with Section 701.0.

- v. A minimum of six-foot high security fence shall completely enclose the perimeter of the compound with one gated egress and ingress. The minimum entrance gate opening width shall be twenty (20) feet.
- w. Area regulations:
 1. The area bounded by security fencing shall not exceed 3 acres.
 2. Total lot coverage shall be limited to 50% of the total lot area.
 3. Mini-storage shall comply with all of the other regulations for the zoning district in which it is located.

2. Prohibited Uses

- a. Activities other than lease or rental of mini-storage units and pick-up and deposit of dead storage on the lot. The following activities shall be prohibited on any lot used for mini-storage units:
 1. Commercial auctions, commercial wholesale or retail sales or miscellaneous or garage sales.
 2. The servicing, repair, or fabrication of vehicles, watercraft, trailers, mechanical equipment, appliances, or other similar equipment.
 3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 4. The establishment of a “transfer and storage business”.
 5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 6. Any storage of hazardous, explosive, or flammable materials and other noxious or dangerous materials.
- b. Electrical outlets for customer use.
- c. Outdoor advertising display(s) that do not identify the nature of the mini- storage.
- d. No fencing shall be permitted in the required minimum front yard setback.
- e. Outdoor storage, collection, or accumulation of any “junk” or salvaged materials is prohibited.
- f. Outdoor storage outside of fenced in area.
- g. Overnight vehicle parking
- h. Outdoor storage exceeding fourteen (14) feet in height.

D. Conditions for a Bed and Breakfast Inn

1. The Bed and Breakfast Inn 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 Inn on a lot.
 - a. The use of a dwelling for a Bed and Breakfast Inn shall be clearly incidental and subordinate to its use for residential purposes by its owner-occupant(s).
2. One (1) individual not residing in the Bed and Breakfast Inn may be employed in its operation.
3. No more than three (3) rooms shall be offered for rent. A minimum of one (1) full bathroom shall be designated for guest(s) use only. At no time during the operation as a Bed and Breakfast Inn shall more than eight (8) guests be accommodated during any one night.

4. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure or building.
5. No cooking facilities of any type shall be permitted in the rented rooms. The only meal that may be served at the property for guests is breakfast, and all such breakfast service shall be completed by 11:30 a.m.
6. A minimum of one (1) on-site parking space per room offered for rent and two (2) spaces for the owner shall be required. All parking shall be located to the rear or side of the dwelling. Such parking spaces shall not be located in any front yard setback or in the front of the dwelling on a lot.
 - a. The driveway shall be constructed of asphalt, chip and seal, or concrete.
 - b. Parking spaces shall be a minimum of 25 feet from any side or rear lot line in a commercial district.
 - c. All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause direct glare and shall be directed away from any lot lines and toward the principal building and parking area on a lot.

To minimize light trespass, all lighting fixtures with lamps rated at maximum of two-foot candles with cut-outs if necessary, and a full cut-off light switch. For purposes of this regulation, a full cutoff light fixture is defined as one which emits no light above a horizontal plane drawn through the lowest part of the fixture.

- d. Exterior lighted signs shall utilize shielded light fixtures from which direct light is not emitted beyond the boundaries of the sign.
7. Applicant shall arrange for all guest parking to be in an orderly manner on the lot that will permit emergency vehicle access and maneuverability.
8. There shall be no change to the exterior appearance of a dwelling or other visible evidence of the conduct of a Bed and Breakfast Inn therein with the exception of one sign, not exceeding ten (10) square feet per sign face.
9. There shall be no flags or banners flown on the lot except the flag of the United States or any other governmental entity.
10. The Bed and Breakfast Inn will comply with all federal, state, county, and township regulations including the regulations for the zoning district in which it is located.
11. Renewal of the conditional zoning certificate is pursuant to Article V of the Hambden Township Zoning Resolution.
12. In order to promote public health and safety, the Zoning Board of Appeals may require any other reasonable conditions or safeguards.
13. A new Conditional Zoning Certificate must be applied for within thirty (30) days after change of ownership in order to continue to operate the bed and breakfast inn. A conditional zoning certificate is non-transferable.
14. Copies of all completed inspections by the Geauga County General Health District relative to septic system, appropriate plumbing, and food service issues; and by the Geauga County Building Department relative to acceptable wiring and fire protection shall be provided at the time of application.

E. Conditions for a Billboard [Adopted 01-02-2008]

1. Billboards in accordance with Section 713.0.

F. Conditions for Small Wind Energy Conversion Systems (SWECS) (Adopted 05-07-2014)

1. Small Wind Energy Conversion Systems (SWECS) shall be in accordance with the conditions set forth in Article VIII.

Section 403.4: Prohibited Buildings, Structures, and Uses [Adopted 01-02-2008]

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

- A. Residential development or the construction of residential dwelling on existing lots of record or portions of lots of record zoned commercial.
- B. Storage of hazardous or flammable waste.
- C. Any use of property that limits or creates any danger to health and safety in the surrounding area, or creates any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants or objectionable effluents.
- D. The residential use of any portion of a commercial building.

Section 403.5: Minimum Lot Area

- A. The minimum lot area shall be two (2) acres.

Section 403.6: Minimum Lot Frontage and Width (Adopted 05-07-2014)

- A. The minimum lot frontage and width shall be 200 feet. (Adopted 05-07-2014)

Section 403.7: Minimum Yards [Adopted 3-16-2011]

For the purpose of determining yard requirements on corner lots and through lots, all lot lines adjacent to roads shall be considered frontage and the front yard set forth herein shall apply.

- A. The minimum yards for all buildings, structures, and uses except accessory buildings, structures and uses shall be as follows:
 1. Front yard: 100 feet
 2. Each side yard: 20 feet
 3. Rear yard: 50 feet
- B. The minimum yards for all accessory buildings, structures, and uses shall be as follows:
 1. Front yard: 100 feet
 2. Each side yard: 20 feet
 3. Rear yard: 50 feet

Section 403.8: Maximum Height

The maximum height requirement shall be as set forth in **section 402.8**.

Section 403.9: Maximum Lot Coverage

The maximum lot coverage shall be 40 percent

Section 403.10: Minimum Floor Area

- A. The minimum floor area for a principal permitted building or structure shall be four hundred (400) square feet.

In calculating the floor area of non-residential buildings, the following areas shall not be included: stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms and similar areas.

Section 403.11: Permitted Buildings, Structures, and Uses in Required Yards

Permitted buildings, structures, and uses in required yard areas shall be as set forth in section 402.11 with the exception of swimming pools, school bus shelters, and recreational vehicles. (Adopted 05-07-2014)

Section 403.12: Buffer Zone

A buffer zone of fifty (50) feet shall be required wherever a residential district abuts a commercial, industrial or manufactured home park district. No structure, building, accessory building, driveway, parking area or sign shall be permitted in a buffer zone. The purpose of a buffer zone shall be to eliminate traffic, noise, and visual annoyances from traveling across two different abutting districts. The buffer zone shall be a part of the commercial district.

A buffer zone shall be part of the lot on which the permitted principal building, structure or use other than a single family detached dwelling is located. All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, wall, or a densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Fences and walls shall be minimum height of six (6) feet and a maximum of eight (8) feet measured from ground level. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet except in the case of maintenance of corner sight clearance.

Section 403.13: All Commercial Buildings shall follow the Ohio Basic Building Codes and the Ohio State Fire Codes.

Section 404.0: Industrial District (I)

Section 404.1: Permitted Principal Building, Structures, and Uses

Agricultural products

Automobile seat covers or convertible tops

Boat building and the repair of boats less than 100 ft.

Bottling plants

Building trade contractors establishments

Cabinet and carpenter and craft shops

Canvas products, such as tents and awnings

Carpet cleaning establishments

Cement and cinder blocks

Ceramic products

Child care center [Adopted 09-06-03]

Clay products

Cold storage plants

Cosmetic and toiletries

Daycare [Adopted 09-06-03]

Dry cleaning plants

Electronic research and manufacturing

Enclosed storage and warehousing

Excavating

Food products, except slaughtering or the preparation of fish, meats and poultry for packing

Furniture products

Furniture repair and upholstering shops

Glass and optical products from previously manufactured glass

Household and office equipment repair shops

Ice storage and sales

Jewelry, clocks and watches

Laundry, linen and diaper supply establishments

Lunch rooms

Luggage

Machine shops, excluding punch presses with a rated capacity of over twenty (20) tons, drop hammers
and automatic screw machines

Motor vehicle and machinery repair

Office and business machine

Packing and crating establishments

Pharmaceutical products

Photographic development and printing establishments

Photographic equipment

Printing and publishing

Saw Mills
School child care center [Adopted 09-06-03]
Scientific and other precision instruments
Sign manufacturing shops
Silver plating, soldering or welding
Small wood and metal products, such as radios, lighting fixtures and television equipment
Toys and novelties
Venetian blinds, window shades and awnings
Wholesale businesses

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

- A. Off-street parking facilities pursuant to **Article VI**.
- B. Signs pursuant to **Article VII**.
- C. Restaurants, cafeterias or recreational facilities for employees only.
- D. Retail business or service incidental to the principal permitted use.
- E. Accessory uses and structures to permitted manufacturing uses.
 - 1. Storage buildings, garages and tool sheds.
- F. Radio, television, dish, antennas in accordance with **Section 402.8**.
- G. Roof mounted and freestanding solar panels and solar panel arrays shall be in accordance with Article VIII. (Adopted 05-07-2014)
- H. Breezeways shall: (Adopted 05-07-2014)
 - 1. Be fully enclosed with side walls and a roof on a permanent foundation.
 - 2. Consist of a permanent connection between a dwelling unit and an accessory building or between an accessory building and another such building on a lot.
 - 3. Not connect two (2) or more dwelling units on a lot.

Section 404.3: Conditional Buildings, Structures, and Uses

Conditional buildings, structures, and uses may be allowed in accordance with **Article V** and upon application to the Board of Zoning Appeals for a conditional use certificate.

- A. Retail sales in accordance with **Article VI**, and **Article VII**.
- B. Mini-storage
 - 1. Conditions for mini-storage
 - a. The maximum size of each individual single building shall not exceed three thousand (3000) square feet.
 - b. Maximum building height shall be eighteen (18) feet.
 - c. One (1) driveway for ingress/egress in accordance with **Article VI** shall be allowed.

- d. The loading/unloading spaces and driveway access aisles shall be a minimum width of twenty-four (24) feet.
- e. A driveway with a minimum width of forty (40) feet shall be required between buildings, and between the front or rear fence.
- f. A buffer zone shall be part of the lot on which the permitted mini-storage unit is located. All buffer zones abutting the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.
- g. Mini-storage shall comply with Ohio Basic Building Code (OBBC) for S-1 storage.
- h. The owner shall include in the language of the lease or rental agreement that the Fire Department shall have access to the rental unit annually for the purpose of inspection. The owner is to have a master key for the inspection.
- i. The owner shall purchase and install a Knox Box system or similar system outside the gate for entry upon the promises by emergency personnel for emergency purposes.
- j. A fire alarm system with 24-hour monitoring is required.
- k. All buildings shall be a minimum of forty (40) feet apart.
- l. A 20lb ABC extinguisher shall be required, enclosed in a weatherproof box, at the ends of each building.
- m. The Fire Department shall review and approve the plans prior to a conditional zoning certificate being granted.
- n. Security lights shall be required around each building. All outdoor lights shall be shielded to direct the light and glare only onto the mini-storage premises. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
- o. The interior lighting of each unit shall utilize ceiling mounted fluorescent lighting.
- p. All storage on the property shall be kept within a fully enclosed building.
- q. Signs
 - 1. One ground sign shall be permitted, not to exceed sixteen (16) square feet with no more than two (2) advertising faces for business identification.
 - 2. The height of the sign shall not exceed six (6) feet.
 - 3. All signs shall be in accordance with **Section 701.0**.
- r. An eight-foot high security fence shall completely enclose the perimeter of the compound with one gated egress and ingress.
- s. Area regulations:
 - 1. The area bounded by security fencing shall not exceed 3 acres.
 - 2. Total lot coverage shall be limited to 50% of the total lot area.

3. Mini-storage shall comply with all of the other regulations for the zoning district in which it is located.
2. Prohibited Buildings, Structures, and Uses [Adopted 01-02-2008]

The following buildings, structures, and uses shall be prohibited: [Adopted 01-02-2008]

- a. Activities other than lease or rental of mini-storage units and pick-up and deposit of dead storage on the lot. The following activities shall be prohibited on any lot used for mini-storage units:
 1. Auctions, commercial wholesale or retail sales or miscellaneous or garage sales.
 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers lawn mowers, appliances, or other similar equipment.
 3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 4. The establishment of a "transfer and storage business".
 5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 6. Any storage of hazardous, explosive, or flammable materials and other noxious or dangerous materials.
 - b. Electrical outlets.
 - c. Outdoor advertising display(s) that do not identify the nature of the mini- storage.
 - d. No fencing shall be permitted in the required minimum front yard setback.
- C. Conditions for a Billboard [Adopted 01-02-2008]
 1. Billboards in accordance with Section 713.0.
 - D. Conditions for Adult Oriented Business (Adopted 2-15-2012)
 1. Adult Oriented Businesses in accordance with Article XIV.
 - E. Conditions for Small Wind Energy Conversion Systems (SWECS) (Adopted 05-07-2014)
 1. Small Wind Energy Conversion Systems (SWECS) shall be in accordance with the conditions set forth in Article VIII.

Section 404.4: Prohibited Uses

- A. Residential development or the construction of residential dwellings on existing lots of record or portions of lots of record zoned industrial.
- B. Storage of hazardous or flammable waste.
- C. Any use of property that limits or creates a danger to health and safety in the surrounding area, or creates any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants or objectionable effluents.
- D. The manufacturing, storage or packaging of explosive or explosive materials.

Section 404.5: Minimum Lot Area

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

Section 404.6: Minimum Lot Frontage and Width (Adopted 05-07-2014)

- A. The minimum lot frontage and width shall be 300 feet, except for lots located on a permanent cul-de-sac road turnaround. (Adopted 05-07-2014)
- B. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot width shall be 60 feet at the front lot line and 300 feet at the building setback line.

Section 404.7: Minimum Yards [Adopted 3-16-2011]

For the purpose of determining yard requirements on corner lots and through lots, all lot lines adjacent to roads shall be considered frontage and the front yard set forth herein shall apply.

- A. The minimum yards for all buildings, structures, and uses except accessory buildings, structures and uses shall be as follows:
 - 1. Front yard: 100 feet
 - 2. Each side yard: 50 feet
 - 3. Rear yard: 50 feet
- B. The minimum yards for all accessory buildings, structures, and uses shall be as follows:
 - 1. Front yard: 100 feet
 - 2. Each side yard: 50 feet
 - 3. Rear yard: 50 feet

Section 404.8: Maximum Height

The maximum height requirement shall be set forth in **Section 402.8**.

Section 404.9: Maximum Lot Coverage

The maximum lot coverage shall be 50 percent.

Section 404.10: Minimum Floor Area

- A. The minimum floor area for any building or structure shall be 1000 feet.

Floor area shall be calculated in accordance with **Section 403.10**.

Section 404.11: Permitted Buildings, Structures, and Uses in Required Yards

Permitted buildings, structures, and uses in required yard areas shall be as set forth in **Section 402.11** with the exception of swimming pools, school bus shelters, and recreational vehicles. (Adopted 05-07-2014)

Section 404.12: Buffer Zone

A buffer zone of fifty (50) feet shall be required wherever a residential district abuts a commercial, industrial or manufactured home park district. No structure, building, accessory building, driveway, parking area or sign shall be permitted in a buffer zone. The purpose of a buffer zone shall be to eliminate traffic, noise, and visual annoyances from traveling across two different abutting districts. The buffer zone shall be a part of the industrial district.

A buffer zone shall be part of the lot on which the permitted principal building, structure or use other than a single family detached dwelling is located. All buffer zones abutting along the side or rear lot lines shall be landscaped and

maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, wall, or a densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Fences and walls shall be minimum height of six (6) feet and a maximum of eight (8) feet measured from ground level. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet except in the case of maintenance of corner sight clearance.

Section 404.13: All Industrial Buildings shall follow the Ohio Basic Building Codes and the Ohio State Fire Codes.

Section 405.0: Manufactured Home Park District (MHP)

Section 405.1: General Requirements

- A. All of the regulations enacted by any agency of the State of Ohio pursuant to **Section 3733.01** through **3733.08** inclusive of the **Ohio Revised Code** are hereby made a part of this resolution.
- B. All manufactured home parks shall be divided into manufactured home lots. There shall only be one (1) manufactured home per manufactured home lot.

Section 405.2: Permitted Principal Buildings, Structures, and Uses

- A. Manufactured homes
- B. Manufactured home park offices
- C. Manufactured home park storage buildings

Section 405.3: Permitted Accessory Buildings, Structures, and Uses (which are on the same lot and incidental or subordinate to the principal permitted building, structure or use).

- A. Off-street parking spaces in accordance with **Article VI**.
- B. Private garages or carports designed and used for the storage of vehicles owned and/or operated by the occupants of the principal building or structure.
- C. Radio, television, or dish antennas in accordance with **section 402.8**.
- D. Recreation facilities, in accordance with **section 405.19**.
- E. Signs in accordance with **Article VII**, shall be the same as regulated in the residential zoning district.
- F. Storage building designed and used for the storage of tools and equipment owned by the occupants of the principal building or structure.
- G. Sanitary and drinking water facilities.
- H. Roof mounted and freestanding solar panels and solar panel arrays shall be in accordance with Article VIII. (Adopted 05-07-2014)

Section 405.4: Prohibited Buildings, Structures, and Uses

- A. Mobile homes

Section 405.5: Conditional Buildings, Structures, and Uses

- A. Small Wind Energy Conversion Systems (SWECS) shall be in accordance with the conditions set forth in Article VIII. (Adopted 05-07-2014)

Section 405.6: Minimum Lot Area

- A. The minimum lot area for a manufactured home park shall be 27 acres.

- B. The minimum lot area for each lot in a manufactured home park shall be in accordance with the regulations set forth in the **Ohio Administrative Code**.

Section 405.7: Minimum Lot Frontage

- A. The minimum lot frontage for a manufactured home park shall be 300 feet on a public road.
- B. The minimum lot frontage for each lot in a manufactured home park shall be in accordance with the requirements set forth in the **Ohio Administrative Code**.

Section 405.8: Minimum Lot Width

- A. The minimum lot width for a manufactured home park shall be 300 feet.
- B. The minimum lot width for each lot in a manufactured home park shall be in accordance with the requirements set forth in the **Ohio Administrative Code**.

Section 405.9: Minimum Yards [Adopted 3-16-2011]

For the purpose of determining yard requirements on corner lots and through lots, all lot lines adjacent to roads shall be considered frontage and the front yard set forth herein shall apply.

- A. The minimum yards for a manufactured home park shall be as follows:
 - 1. Front yard: 100 feet
 - 2. Each side yard: 50 feet
 - 3. Rear yard: 50 feet
- B. The minimum yards for each lot in a manufactured home park for all buildings, structures, and uses, including accessory buildings, structures, and uses shall be in accordance with the requirements set forth in the Ohio Administrative Code.

Section 405.10: Maximum Height

Same as **Section 402.8**.

Section 405.11: Maximum Lot Coverage

The maximum lot coverage shall be eighty (80) percent. (Adopted 05-07-2014)

Section 405.12: Minimum Floor Area

The minimum floor area for a manufactured home shall be 320 square feet. In calculating the minimum floor area, the following shall not be included: car ports; enclosed or unenclosed porches, patios, decks and steps; and garages.

There shall be on minimum floor area requirement for all other principal permitted buildings and structures or permitted accessory buildings and structures.

Section 405.13: Buffer Zone

A buffer zone of fifty (50) feet shall be required wherever a residential district abuts a commercial, industrial or manufactured home park district. No structure, building, accessory building, driveway, parking area or sign shall be permitted in a buffer zone. The purpose of a buffer zone shall be to eliminate traffic, noise, and visual annoyances from traveling across two different abutting districts. The buffer zone shall be a part of the manufactured home park district.

A buffer zone shall be part of the lot on which the permitted principal building, structure or use other than a single family detached dwelling is located. All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, wall, or a densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Fences and walls shall be minimum height of six (6) feet and a maximum of eight (8) feet measured from ground level. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet except in the case of maintenance of corner sight clearance.

Section 405.14: Permitted Buildings, Structures, and Uses in Required Yards

Same as **Section 402.11**.

Section 405.15: Interior Roads

All interior roads shall be paved with an asphalt or concrete surface in accordance with the requirements set forth in the **Ohio Administrative Code**.

All interior roads shall be reviewed and approved by the township zoning inspector for access control.

On-street parking shall be prohibited except in accordance with the **Ohio Administrative Code section 3701-27-09**.

Section 405.16: Utilities

- A. All utilities shall be completely underground.
- B. Natural gas, propane gas, fuel oil or other energy source shall be supplied through an underground community system.
- C. All utility equipment or storage tanks shall be completely enclosed by a chain link fence at least eight (8) feet in height.

Section 405.17: Garbage Collection

Manufactured home parks shall be kept in a clean and sanitary condition and provided with suitable covered metal receptacles for garbage, waste, litter, and trash. Disposal requirements shall be in accordance with the regulations of the applicable state or county agency.

Section 405.18: Sewage and Water Facilities

Sewage and water facilities shall be installed and functioning in accordance with the regulations of the applicable state or county agency prior to the occupancy of a manufactured home in a manufactured home park.

Section 405.19: Recreation Area

- A. There shall be an adequate site for recreation within a manufactured home park for the exclusive use of park occupants in accordance with the **Ohio Administrative Code section 3701.27.26**.
- B. The recreation area shall be a minimum of 300 feet from the margin of any public road and shall be a minimum of 100 feet from any manufactured home.

Section 405.20: Fire Protection

Each manufactured home park shall maintain, on the premises, a water tower, water tank or lake with a minimum volume of 100,000 gallons, plus 200 gallons per manufactured home unit over 100 units, for every unit.

Section 405.21: Site Plan

In addition to the requirements set forth in **Article XI**, the applicant shall submit a detailed site plan of a manufactured home park, drawn to scale, showing the location and dimensions of roads, lots, typical lot improvements, areas for recreation, storage, parking, fencing, garbage collection, utilities, lighting, and pedestrian walkways to the township zoning inspector.

Section 406.0: Supplementary District Regulations

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems. (Adopted 05-07-2014)

The following regulations apply to all districts unless otherwise stated.

Section 406.1: Temporary Buildings, Structures, and Uses (Adopted 05-07-2014)

The following regulations are necessary to control uses which are of a non-permanent nature. For the uses requiring zoning certificates, at least seven days before the event or anticipation of such use, an application for a zoning certificate shall be made to the Zoning Inspector which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use, if required.

A. Definitions:

“Freestanding sign” means any portable sign or sign structure not securely or permanently attached to the ground or to a building.

“Mobile” means any movable building, structure or use that is not securely or permanently attached to the ground or to a building.

“Temporary” means a building, structure or use that exists for a limited time.

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

“Temporary structure” means a single story accessory building exceeding ten feet in any dimension and not permanently attached to the ground.

B. Prohibited Uses in all Districts:

1. Temporary Buildings, Structures and Uses.

- a. Any temporary use of property that limits or creates any danger to health and safety in the surrounding area, or creates any offensive noise, vibration, smoke, dust, heat, glare, fumes, air pollutants or objectionable effluents.
- b. The temporary storage of explosive, flammable or toxic wastes unless in accordance with Section 406.2 Performance Standards.

C. Prohibited Uses in the Residential District

1. The temporary storage or parking of any commercial or privately owned semi tractors, as defined in this resolution on an occupied or unoccupied lot, and the temporary storage or parking of any commercial or privately owned trailers, as defined in this resolution on an occupied or unoccupied lot, excluding vehicles making temporary service or delivery calls.
2. The temporary storage or parking of more than one (1) commercial type truck, van, bus or similar vehicle, which is a gross vehicle weight (GVW) of twenty-six thousand (26,000) pounds or more. The permitted vehicle shall be for the primary use of the lots occupants.

3. The temporary storage or parking of commercial or privately owned trailers with the exception of one (1) utility trailer not exceeding twenty (20) feet in length, and shall not be located in the front yard.
4. The outside storage or parking of more than one (1) privately owned recreational vehicle, and shall not be located in the front yard.

D. Permitted Uses in all Districts

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits that follow, as well as the regulations of any district in which they are located:

1. Garage sales, which for purposes of this section shall include yard sales, barn sales, tent sales, and similar activities, may be permitted within any district on a lot occupied by a residential dwelling. Any individual, family or families and community organizations may conduct two (2) such sales within any twelve-month period not to exceed nine (9) consecutive days each. No zoning certificate is required.
2. Temporary signs on-premise, off premise in conjunction with garage sales, temporary retail sales and services, temporary seasonal sales, or similar activities may be permitted. (See section 704.0)
 - a. One (1) on-premise signs may be allowed with two (2) sign faces not to exceed twelve (12) square feet in area.
 - b. A maximum of four (4) off-premise signs may be allowed with a sign face not to exceed three (3) square feet in area; shall not be attached to a utility pole, and shall not be located in the road right-of way. Written permission of the property owner where such sign shall be located must accompany application for a zoning certificate.
 - c. One (1) real estate development on-premise sign per subdivision with a maximum area of twenty (20) square feet per sign face which advertises the sale of lots in the subdivision upon which such sign is located. This sign shall be removed upon the sale of eighty (80) percent of the available lots. No zoning certificate is required.
 - d. Temporary signs may be erected for a particular event, for a period of time which is terminated by the conclusion of the event, not to exceed thirty (30) days.
 1. Signs erected and maintained pursuant to or required by any law or governmental regulation shall be exempt from the provisions of this resolution.
 2. Temporary signs relating to candidates for public office or public issues may be erected only with the permission of the owner of the premises. No temporary sign shall be posted or erected in any place or in manner which is destructive to property upon erection or removal. No temporary sign shall be erected within a public right-of-way nor shall any sign be posted on a utility pole. No zoning certificate is required and no time limits are imposed.
3. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning certificates whichever occurs first.

4. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one year. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning certificate, whichever occurs first.
5. Fencing:
 - a. Temporary fences shall have a minimum setback of two (2) feet from the side and rear lot lines.
 - b. Temporary construction fencing and/or snow fencing shall meet the requirements set forth in section 402.2, and no zoning certificate is required.
 - c. Temporary construction fencing required in conjunction with construction activity may be permitted within any district for a period of one (1) year. Such uses shall be removed immediately upon completion of the construction.
 - d. Temporary snow fencing may be erected from October 1st of current year through April 30th of the following year.
6. Meteorological device: A meteorological device may be used to collect wind measurement data prior to the location of a SWECS 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. Placement of the meteorological device shall comply with the setbacks for Small Wind Energy Conversion Systems in Article VIII. A zoning certificate is required.

E. Permitted Uses in the Residential District

1. Recreational vehicles or trailers for use limited to not more than ninety (90) cumulative days. Such use must be used in conjunction with a principal residence. No zoning certificate is required.
2. Temporary accessory tent structures shall be located no closer than twenty (20) feet to any property line or front lot line and shall be for use limited to not more than eighteen (18) cumulative days. No zoning certificate is required.
3. No accessory tent storage structure shall exceed one hundred twenty (120) square feet in area. Accessory tent storage structure shall not be located in the front yard, and shall be kept in good condition and if damaged, shall be removed upon written notice of the zoning inspector. No zoning certificate is required.
4. The temporary storage of one (1) commercial type truck, van, bus or similar vehicle, and shall not exceed the gross vehicle weight (GVW) of twenty-six thousand (26,000) pounds. The permitted vehicle shall be for the primary use of the lots occupants. No zoning certificate is required.

F. Permitted Uses in the Commercial, Industrial, and Park Districts

1. Temporary sales and services may be permitted within parking areas within the commercial, industrial and park district.
 - a. A zoning certificate valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve month period to any individual or organization.

- b. Accessory tent structures shall be located no closer than twenty (20) feet to any property line or front lot line.
 - c. The application for the temporary zoning certificate shall be accompanied by written permission of the property owner, and shall be prominently displayed at the site.
 - d. The Zoning Inspector shall not issue a certificate for such temporary use if he/she determines that it encroaches upon more than twenty-five percent of the required parking area.
2. Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individual or organization within the commercial, industrial and park districts. A zoning certificate is required.
- a. A zoning certificate valid for a period not exceeding two consecutive days shall only be issued three separate times for any particular lot within any twelve-month period, and not more than one certificate may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving his permission for such use. The zoning certificate shall be prominently displayed at the site.
3. Temporary seasonal sales which may include Christmas trees and greenery, Halloween decorations and pumpkins, and holiday flower sales, shall be permitted within the commercial, industrial and park districts as an accessory use. A zoning certificate in advance is required. The application for the zoning certificate shall be accompanied by written permission of the property owners.

Section 406.2: Performance Standards (Adopted 05-07-2014)

This resolution permits specific uses or types of uses in specific districts. These performance standards apply to all districts unless otherwise noted. The following performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or districts. No structure, land or water, shall hereafter be used except in compliance with their district regulations and with the following performance standards:

A. Glare and Heat

No activity shall emit glare that is visible or measurable outside the premises except activities in the industrial district which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause direct glare and shall be directed away from any lot lines and toward the principal building and parking area on a lot.

To this end to minimize light trespass, all lighting fixtures with lamps rated at maximum of two-foot candles with cut-outs if necessary, and a full cut-off light switch. For purposes of this regulation, a full cutoff light fixture is defined as one which emits no light above a horizontal plane drawn through the lowest part of the fixture.

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

B. Liquid or Solid Waste

Purpose: The intent of these regulations are to provide a means of safeguarding the land necessary for the protection of the public health, welfare and safety.

1. No person shall permit any solid waste to accumulate for a period of longer than forty-five (45) days upon property owned or occupied by said person in Hambden Township, unless concealed from sight within an enclosed building, or screened from street view. Such screened collection area shall be enclosed on at least three sides by a solid wall or fence adequate in height to screen the closed refuse containers.
2. Exterior refuse containers, dumpsters, or screened collection area shall have a minimum setback from any side or rear lot lines for the following zoning districts:
 - a. Residential: Each side yard: 10 feet
Rear yard: 10 feet
 - b. Commercial: Each side yard: 10 feet
Rear yard: 10 feet
 - c. Industrial: Each side yard: 10 feet
Rear yard: 10 feet
 - d. Passive/Active Park: See Section 407.0 and Section 408.0
 - e. Manufactured Home Park: See Section 405.0
 - f. Owners and lessees of property are required to make accumulated solid waste available for collection.
 - g. Owners, lessees of farm property are not subject to the regulations set forth in paragraphs A and B above.
 - h. Liquid and solid waste regulations for Passive Park District see Section 407.0.
 - i. Liquid and solid waste regulations for Active Park District see Section 408.0.
 - j. Liquid and solid waste regulations for Manufactured Home Park District see Section 405.0.
 - k. No discharge shall be permitted at any point, into any private sewage disposal system, or stream, or into or on the ground, of any materials in such a way or of such nature or temperature as can contaminate or affect the quality or quantity of any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by Ohio State Department of Health, Ohio Environmental Protection Agency, Geauga County General Health District, or the Ohio Department of Water Resources. Garbage, rubbish, empty containers and/or solid wastes shall be stored inside structures pending disposal and no accumulation of solid wastes conducive to the breeding of rodents or insects, or the attraction of animals shall be permitted. Covered metal commercial bins, regularly serviced, shall be allowed on a lot if screened from street view.
 - l. The temporary use of a construction and demolition disposal dumpster shall be allowed providing that such dumpsters can not be located in required setback areas, can not block a driveway or impede access to the site by firefighting or emergency

vehicles, and must be promptly removed upon completion of construction or demolition activities.

Section 406.3: Ponds

A. Definition

"Pond" means a water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout and having an area of less than five (5) acres, and greater than three hundred (300) square feet.

B. Regulations for construction of ponds:

1. Location: Ponds shall be a minimum of 100 feet from septic system lines and leach beds and shall be a minimum of 15 feet from any lot lines. The location of a pond shall be subject to review by the Hambden Fire Department, to determine accessibility by fire fighting equipment pursuant to section 406.6 (B)(9).
2. Watershed: The minimum ratio of watershed acres to pond acres shall be 6:1 and the maximum shall be 40:1.
3. Soils: Test holes shall be dug prior to pond construction. Ponds shall be constructed only of clay and silty clay soil types.
4. Slopes: Slopes shall be a minimum of 3:1 (3 feet horizontally, 1 foot vertically) on the dam front slope, the dam back slope and pond edges.
5. Depth, diameter, total area, and water availability: Ponds shall have 25 percent (25%) of the area a minimum of eight (8) feet in depth, shall have a minimum diameter of 80 feet, shall have a minimum total area of 5,000 square feet, and shall have a minimum water availability of 125,000 gallons.
6. Design: Minimum top width of dam:

<u>Total Height of Embankment (feet)</u>	<u>Minimum Top Width (feet)</u>
Less than 15	8
15 – 19.9	10
20 – 24.9	12
25 – 34.9	14
35 – 40.0	15

If a dam will be used as a road or driveway, the top width shall be a minimum of 16 feet for one-way traffic and 26 feet for two-way traffic.

7. Freeboard: The minimum elevation of the top of the settled embankment shall be one (1) foot above the water surface in the reservoir with the emergency spillway flowing at design depth.

Emergency spillways shall be installed in all ponds to prevent the water from over-topping the dam.

All principal spillways shall have an anti-vortex device to prevent swirling action around the inlet.

Pipes shall be sized according to the drainage area and storage capacity of the pond.

The only types of pipe that are acceptable are corrugated metal or aluminum; or heavy smooth metal, such as well casing, PVC pipe, schedule 40 or thicker is the only type of plastic pipe that is acceptable for use as a principal spillway. It may be used only if there will be less than 10 feet of fill over the pipe. Anti-seep collars shall be used to prevent piping and blowouts.

All pipe joints and anti-seep collars shall have watertight connections. Hand tamping shall be done around the pipe until the fill is at least two (2) feet above the pipe.

A cutoff trench (core) shall be cut into impervious material along the centerline of the dam before beginning the dam. The core shall extend at least one (1) foot below the proposed bottom of the pond. The core shall be backfilled with the most impervious material available.

All fill shall be compacted, beginning at the lowest point in the foundation area, and shall be placed in horizontal lifts with a maximum thickness of six (6) inches prior to compaction. Each lift shall be compacted with at least four (4) passes of a sheepfoot roller, or the equivalent. Fill shall be free of stumps and rocks.

Excess fill areas shall be placed away from drainage areas. Borrow areas shall be drained and revegetated.

No trees or stumps shall be planted on the fill.

8. Seeding: the following seeding schedule shall be used:

A minimum of 15 lbs. per 1,000 square feet or 600 lbs. per acre or 12-12-12 fertilizer.

Seed with one (1) lb. per 1,000 square feet or 40 lbs. per acre of tall fescue and one (1) bushel per acre oats or rye, for unmowed areas.

For mowed areas, a mixture of creeping red fescue at one-half (1/2) lb. per 1,000 square feet or 20 lbs. per acre and perennial rye grass at one-fourth (1/4) lb. per 1,000 square feet or ten (10) lbs. per acre shall be used.

Mulch with small grain straw at 100 lbs. per 1,000 square feet or two (2) tons per acre.

9. Fire Protection: Prior to the construction of any pond, the owner shall consult with the Hambden Township Fire Department concerning the need for installation of a dry fire hydrant.

For the purpose of protection of public safety, the real property owner(s) within a platted subdivision containing ten (10) or more lots shall construct a pond with a dry fire hydrant in accordance with the following regulations.

- a. Regulations for Dry Fire Hydrant Installation

A Dry Hydrant for fire protection purposes shall be installed in accordance with the following regulations.

1. Materials: The materials for the installation of a dry hydrant shall be in accordance with the drawing entitled "Dry Hydrant Assembly" prepared by the Hambden Fire Department and made a part of this resolution. The Hambden Fire Department shall supply the hydrant head and wye pipe.

2. Installation: The installation of dry hydrant shall be in accordance with the drawing entitled "Dry Hydrant Assembly" prepared by the Hambden Fire Department and made part of this resolution.
3. Location: A dry hydrant shall be installed so that the hydrant head is within 10 feet of the road serving the subdivision or within 10 feet of a hard surface driveway for accessibility of fire fighting equipment. Said driveway shall be a minimum of 15 feet in width. The owner shall grant the Hambden Fire Department the perpetual right of access to the dry hydrant.

b. Application, Review, and Approval

Application for the installation of a dry hydrant shall be made to the zoning inspector, who shall forward a copy thereof to the Hambden Fire Prevention Officer within 10 days of receipt.

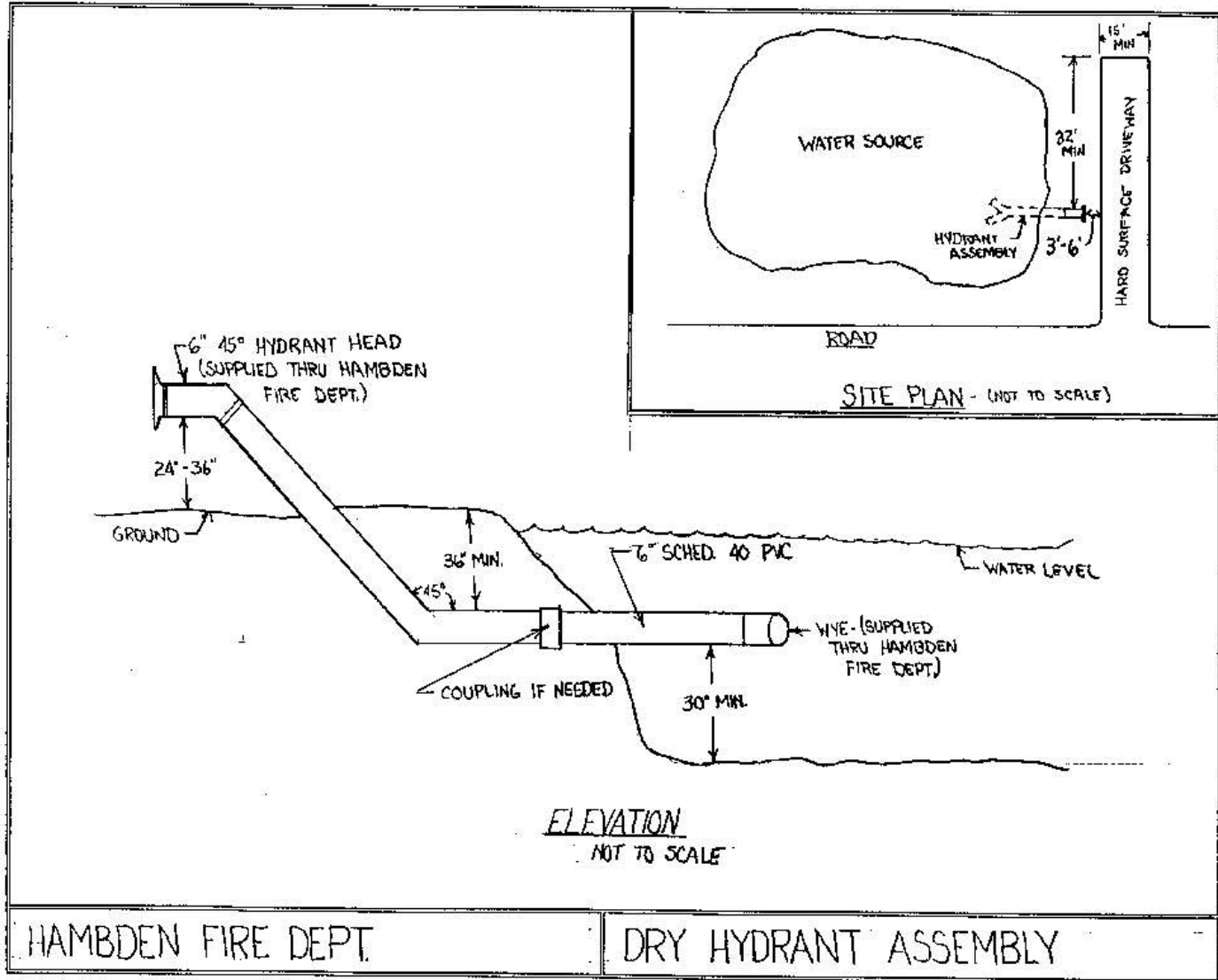
Application: The application shall be made in writing on a form provided by the zoning inspector relating to an application for a zoning certificate and shall include the following.

1. Owner's name, address, and telephone number. The address(es) of the affected subplot(s) if different from the owner's mailing address.
2. A drawing showing the dimensions of the dry hydrant and its installation in relation to the ground and water surfaces.
3. A site plan showing the dimensions of pond, the distance of the pond to the lot lines and the distance of the pond to the adjacent road and/or driveway.
4. Signature and date by the applicant as to the truth and accuracy of the information supplied on the application.

- c. Review: The Hambden Fire Prevention Office shall review and act upon the application within 20 days of receipt and shall forward his recommendation for approval or disapproval of the application, to the zoning inspector. If disapproval is recommended, the reasons therefore shall be provided.
- d. Approval: If approval of the application is recommended by the Hambden Fire Prevention Officer, the zoning inspector shall issue a zoning certificate for the dry hydrant to the applicant. If disapproval is recommended, the zoning inspector shall notify the applicant accordingly.

e. Fee: There shall be no review or filing fee.

10. Erosion: Care shall be used in construction to avoid down-stream sedimentation. Topsoil shall be stripped and stockpiled before excavation. Topsoil shall be placed as a top dressing where vegetation is required.
11. Division of Water: Any dam that equals or exceeds ten (10) feet in height and/or equals or exceeds two (2) acres of water is required to obtain a permit prior to construction from the State of Ohio, Division of Water.
12. Adjacent Lands: Water shall not be backed-up on an adjacent landowner's property.
13. Watercourse: Water shall exit a landowner's property in the natural watercourse.



HAMBDEN FIRE DEPT.

DRY HYDRANT ASSEMBLY

Section 407.0: Passive Park District (P-1) [Adopted 01-02-2008]

Section 407.1: Purpose

- A. The uses of property in the P-1 District shall be of a passive and educational nature such that it does not disturb the natural terrain, habitat and wildlife of the area and therefore enhances such conditions, including the understanding of such conditions, and the passive enjoyment thereof.
- B. The Passive Park (P-1) District is hereby established to promote the public health, safety, and general welfare in order to:
 - 1. Protect and preserve parklands, wilderness areas, open spaces, surface water and scenic areas.
 - 2. Conserve fish and wildlife.
 - 3. Promote forestry, wetlands and other natural habitats.
 - 4. Protect, promote and maintain the area's ecosystem.
 - 5. Enhance the public's knowledge of the area's ecosystem.
 - 6. Educate the public with respect to the preservation of natural habitats.
 - 7. Protect groundwater recharge aquifers.
 - 8. Control natural storm water runoff.

Section 407.2: Principal Permitted Buildings, Structures, and Uses

- A. Blinds, decks, and platforms for nature observation
- B. Cross-country skiing and snow shoeing
- C. Interpretive centers for educational purposes
- D. Trails for non-motorized vehicles, bicycles, hiking, skiing, and horseback riding
- E. Ponds or lakes for fishing and non-motorized boating

Section 407.3: Permitted Accessory Buildings, Structures, and Uses [Adopted 3-16-2011]

- A. Administrative offices
- B. Bicycle racks
- C. Fences
- D. Maintenance buildings for the storage of equipment and materials

- E. Off-street parking and driveway access shall be a minimum of four thousand (4000) square feet to accommodate a minimum of twenty (20) cars in accordance with Article VI, Section 602.0.
- F. Outdoor lighting
- G. Receptacles for trash
- H. Restroom facilities
- I. Storm water detention or retention facilities
- J. Water supply wells and sewage treatment systems
- K. Signs, in accordance with Article VII.
- L. Roof mounted and freestanding solar panels and solar panel arrays shall be in accordance with Article VIII. (Adopted 05-07-2014)

Section 407.4: Prohibited Buildings, Structures, and Uses

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

- A. All buildings, structures, and uses set forth in Section 401.0.
- B. Any motorized vehicles, except vehicles parked in designated off-street parking areas, and maintenance vehicles.
- C. Ball fields
- D. Car washing
- E. Dumping of trash, waste, or other offensive or hazardous materials of any kind.
- F. Golf courses
- G. Overnight camping
- H. Playground equipment
- I. Survival, war, capture the flag, and paintball games
- J. Swimming and swimming pools
- K. Tennis courts

Section 407.5: Minimum Yards (Setbacks) for Permitted Principal and Accessory Buildings, Structures, and Uses

- A. Minimum front yard: 200 feet
- B. Each side yard minimum: 100 feet
- C. Minimum rear yard: 100 feet

Section 407.6: Minimum Lot Frontage

- A. Minimum lot frontage: 60 feet

Section 407.7: Minimum Lot Width

- A. Minimum lot width: 350 feet

Section 407.8: Minimum Lot Area

- A. Minimum lot area: 5 acres

Section 407.9: Maximum Lot Coverage

- A. Maximum lot coverage: 10 percent

Section 407.10: Minimum Distance Between Buildings on Same Lot

- A. Minimum distance between buildings on the same lot: 50 feet

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

Section 407.11: Maximum Height of Permitted Principal and Accessory Buildings and Structures

- A. Maximum height: 35 feet
- B. Maximum height for Small Wind Energy Conversion Systems (SWECS) shall be in accordance with Article VIII. (Adopted 05-97-2014)

Section 407.12: Minimum Floor Area

- A. The minimum floor area of a principal permitted building shall be 240 square feet
- B. The minimum floor area of a permitted accessory building shall be 80 square feet

Section 407.13: Maximum Floor Area

- A. The maximum floor area of a principal permitted building shall be 3000 square feet
- B. The maximum floor area of a permitted accessory building shall be 1000 square feet

Section 407.14: Minimum Buffer Zone

- A. There shall be a minimum buffer zone of one hundred-fifty (150) feet within the P-1 District, where the P-1 District boundary is contiguous with any Residential District boundary as shown on the most current adopted version of the official township zoning district map.
- B. There shall be no buildings, structures or uses and there shall be no off-street parking areas, driveways, or signs in the buffer zone.

Section 407.15: Supplementary District Regulations

- A. All permitted principal and accessory buildings, structures, and uses shall be in accordance with the Supplementary District Regulations set forth in Section 406.0.

Section 407.16: Conditional Buildings, Structures, and Uses (Adopted 05-97-2014)

- A. Small Wind Energy Conversion Systems (SWECS) shall be in accordance with the conditions set forth in Article VIII.

Section 408.0: Active Park District (P-2) [Adopted 01-02-2008]

Section 408.1: Purpose

- A. The Active Park (P-2) District is hereby established to promote the public health, safety, and general welfare in order to provide recreational facilities for the general population within a park-like setting and atmosphere to:
 - 1. Promote certain healthy and beneficial outdoor leisure time activities for the general population which do not present a significant risk of harm to others.
 - 2. Afford reasonable access for the public to outdoor athletic, social, and educational activities.
 - 3. Achieve a balance between the public's need for active outdoor recreational facilities and the preservation of open space, light, and air for the enjoyment of such activities.
- B. The Active Park (P-2) District recognizes that certain principal buildings, structures, and uses may require modification and alteration of natural terrain and disturbance of natural habitat.

Section 408.2: Principal Permitted Principal Buildings, Structures, and Uses

- A. Outdoor ball fields and games.
- B. Outdoor skating rinks
- C. Outdoor tennis, basketball, horseshoe, volleyball, badminton, bocce ball, and shuffleboard courts
- D. Picnic grounds and pavilions
- E. Playgrounds and playground equipment
- F. Swimming pools and pool houses
- G. All of the permitted uses allowed in the P-1 District, **Section 407.2**

Section 408.3: Permitted Accessory Buildings, Structures, and Uses [Adopted 3-16-2011]

- A. Concession stands
- B. Grandstands for spectators, limited to four (4) rows in height, thirty (30) feet in length, and two (2) per ball field
- C. Outdoor storage of materials
- D. All of the accessory buildings, structures and uses allowed in the Passive Park (P-1) District, **Section 407.3**
- E. Signs, in accordance with **Article VII**.

- F. Off-street parking and driveway access shall be a minimum of four thousand (4000) square feet to accommodate a minimum of twenty (20) cars in accordance with **Article VI, Section 602.0.**
- G. Roof mounted and freestanding solar panels and solar panel arrays shall be in accordance with Article VIII. (Adopted 05-07-2014)
- H. Breezeways shall: (Adopted 05-07-2014)
 - 1. Be fully enclosed with side walls and a roof on a permanent foundation.
 - 2. Consist of a permanent connection between a dwelling unit and an accessory building or between an accessory building and another such building on a lot.
 - 3. Not connect two (2) or more dwelling units on a lot.

Section 408.4: Prohibited Buildings, Structures, and Uses

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

- A. All buildings, structures, and uses set forth in **Section 401.0**
- B. Any motorized vehicles, except vehicles parked in designated off-street parking areas, and maintenance equipment
- C. Car washing
- D. Dumping of trash, waste or other offensive or hazardous materials of any kind
- E. Golf courses
- F. Overnight camping
- G. Survival, war, capture the flag, and paintball games
- H. The use of firearms or bows and arrows including hunting, skeet shooting, and target shooting

Section 408.5: Minimum Yards (Setbacks) for Permitted Principal and Accessory Buildings, Structures, and Uses

- A. Minimum front yard: 200 feet
- B. Each side yard minimum: 100 feet.
- C. Minimum rear yard: 100 feet.

Section 408.6: Minimum Lot Frontage

Minimum lot frontage: 60 feet

Section 408.7: Minimum Lot Width

- A. Minimum lot width: 350 feet

Section 408.8: Minimum Lot Area

- A. Minimum lot area: 5 acres

Section 408.9: Maximum Lot Coverage

- A. Maximum lot coverage: 10 percent

Section 408.10: Minimum Distance Between Buildings on Same Lot

- A. Minimum distance between buildings on the same lot: 50 feet

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

Section 408.11: Maximum Height of Permitted Principal and Accessory Buildings and Structures

- A. Maximum height: 35 feet
- B. Maximum height for Small Wind Energy Conversion Systems (SWECS) shall be in accordance with Article VIII. (Adopted 05-07-2014)

Section 408.12: Minimum Floor Area

- A. The minimum floor area of a principal permitted building shall be 240 square feet
- B. The minimum floor area of a permitted accessory building shall be 80 square feet

Section 408.13: Maximum Floor Area

- A. The maximum floor area of a principal permitted building shall be 3000 square feet
- B. The maximum floor area of a permitted accessory building shall be 1000 square feet

Section 408.14: Minimum Buffer Zone

- A. There shall be a minimum buffer zone of one hundred-fifty (150) feet within the P-2 District, where the P-2 District boundary is contiguous with any Residential District boundary as shown on the most current adopted version of the official township zoning map.
- B. There shall be no buildings, structures or uses and there shall be no off-street parking areas, driveways, or signs in the buffer zone.

Section 408.15: Supplementary District Regulations

- A. All permitted principal and accessory buildings, structures, and uses shall be in accordance with the Supplementary District Regulations set forth in **Section 406.0**.

Section 408.16: Conditional Buildings, Structures, and Uses (Adopted 05-07-2014)

- A. Small Wind Energy Conversion Systems (SWECS) shall be in accordance with the conditions set forth in Article VIII.

ARTICLE V
CONDITIONAL USES

Section 500.0: Conditional Zoning Certificate Required

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

Section 500.1: Contents of Application for a Conditional Zoning Certificate [Adopted 02-15-2012]

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, fax number, and e-mail address of the applicant.
- B. The name, address and telephone number, fax number, and e-mail address of the owner of record.
- C. The address of the lot, if different from the applicant's current address.
- D. A list of names, addresses, and permanent parcel number from the County Auditor's current tax list of all owners of lot, within and contiguous directly across the road from the area, shall be included with the application for a conditional zoning certificate.
- E. Documentation as to authority to make application (eg. Deed. power of attorney, lease or purchase agreement).
- F. A legal description of the lot, as recorded with the Geauga County Recorder.
- G. The current zoning district in which the lot, is located.
- H. A description of the existing use of the lot.
- I. A description of the proposed use of the lot.
- J. Six (6) copies of a plan or map drawn to scale, with a north arrow and date showing the following information:
 - 1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 - 2. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.
 - 3. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 - 4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alterations to existing buildings or structures.
 - 6. The setback (in feet) from all lot lines of proposed buildings, or structures on the lot or any additional or structural alteration to existing buildings or structures.

7. The height (in feet) of existing buildings or structures on the lot.
8. The height (in feet) of proposed buildings or structures on the 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 lot.
10. The number of dwelling units (if any) and proposed for the lot.
11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
12. For commercial and industrial uses: The location, dimensions (in feet)
 - a. Number of loading/unloading spaces
 - b. Landscaping and buffer zones
 - c. Refuse and service areas
 - d. Utilities
 - e. Signs (number, location, and dimensions}
 - f. Open spaces (dimension and number of acres)
13. The location and dimension (in feet) of any existing or proposed easement on the lot.
14. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
15. The location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
16. The location and dimensions of any exterior display, sales, or storage areas on the lot.
17. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
- K. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
- L. Documentation shall be provided that the appropriate governmental agency has approved the onsite sewage treatment system to serve the proposed use on the lot.
- M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the storm water management and erosion control plan. The “water management and sediment control” regulations set forth in article XVI may apply and may be required as a part of the application.
- N. The “General Standards for Conditional Uses” listed under section 505.0 may apply and may be required as a part of the application.
- O. The “riparian setback” regulations set forth in article XV may apply and may be required as a part of the application.
- P. The application fee.
- Q. Such other information as may be required by the Board of Zoning Appeals to reasonably determine conformance with and provide for enforcement of this Resolution.

Section 500.2: Transmittal of Application to Board of Zoning Appeals

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

Section 501.0: Meeting of Board of Zoning Appeals

The chairman of the board of zoning appeals shall fix a reasonable time for a public hearing to consider the application for a conditional zoning certificate which shall commence not later than sixty (60) days from the date that said application was received by the chairman or secretary. The hearing on the application may be continued from day to day for good cause shown.

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

Section 501.1: Action by Board of Zoning Appeals

- A. Hearings and decisions before the board of zoning appeals shall be conducted in accordance with section 1002.4 of this resolution.
- B. One (1) copy of the plans submitted with the application shall be returned to the applicant by the board of zoning appeals after said copy has been marked either approved or disapproved, dated, and attested to by the signature of the chairman or the secretary of the board of zoning appeals. One (1) copy of the plans so marked shall be retained by the board of zoning appeals for its permanent records.
- C. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in **Ohio Revised Code 2505.07** for purposes of appeal to the court of common pleas pursuant to **Ohio Revised Code Chapter 2506**.

Section 502.0: Issuance of Conditional Zoning Certificate

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

Section 503.0: General Conditions for Conditional Zoning Certificates

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

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

Section 504.0: Revocation of Conditional Zoning Certificate

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

- A. The conditional Zoning certificate has been issued in error.
- B. The conditional zoning certificate was issued based upon a false statement by the applicant.
- C. The construction or use described in the conditional zoning certificate has not begun within twelve (12) months from the date of issuance or if construction has not begun within twelve (12) months and said construction has not been completed within two (2) years from the date of issuance.
- D. The conditional use described therein is voluntarily discontinued, for a period of two (2) years.
- E. Any of the conditions set forth in the conditional zoning certificate are violated.

Section 504.1: Procedure for Revocation of a Conditional Zoning Certificate

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

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

Section 505.0: General Standards for Conditional Uses

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

- A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site.
- B. The proposed roads and other means of ingress and egress are of adequate width and condition to accommodate expected vehicular traffic to be generated by the proposed use and are reasonably constructed to permit access by fire fighting, police, ambulance and other safety vehicles and will not interfere with traffic on adjacent thoroughfares.
- C. The size and number of proposed off-street parking spaces and loading/unloading spaces (if applicable) are adequate and are in accordance with the provisions of **Article VI** of this resolution.

- D. The type, size, location and number of proposed signs are in accordance with *the* provisions of **Article VI** 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 the 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.
- K. Will not utilize or store flammable or explosive materials.

Section 506.0: Upon consideration of the factors listed above, the Board may attach such conditions to the granting of conditional zoning certificate as it deems necessary. Such conditions may include, but need not be limited to:

1. Modification of waste disposal and water supply facilities;
2. Limitations on periods of use and operation;
3. Imposition of operational controls, sureties and deed restrictions;
4. Requirements for construction of channel modifications, dikes, levees and other protective measures;
5. Requirements for erosion and sedimentation control;
6. In acting in any such application the Board may request that landscaping, fences, and walls designed to further the purpose of this resolution be provided and maintained as a condition to the establishment of any use to which they are appurtenant;
7. Requirements for a buffer zone utilizing shrubbery, fencing or open space.

ARTICLE VI

PARKING AND LOADING/UNLOADING SPACES

Section 600.0: General Requirements for Parking and Loading/Unloading spaces in All Zoning Districts

- A. Adequate parking and loading/unloading spaces in accordance with this resolution shall be provided at the time any building, structure, or use is located, erected, constructed, reconstructed, enlarged, structurally altered, or any use is changed.
- B. No portion of the parking lot or access driveway or loading/unloading spaces located adjacent to a Residential district shall be situated within fifty (50) feet of the lot line.
- C. All parking and loading/unloading spaces shall be located on the same lot as the use to be served or as a conditional use not over four hundred (400) feet from the principal use.
- D. All parking and loading/unloading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, and roads.
- E. All parking and loading/unloading spaces together with driveways, aisles, and other circulation areas shall be improved with such material to provide a durable all weather and dust-free surface.
- F. The owner of the property used for parking and loading/unloading spaces shall maintain such areas in good condition without holes and free of all dust, trash, and other debris.
- G. All parking and loading/unloading spaces intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot or loading/unloading area shall be so arranged as to reflect the light away from the adjoining property or roads.
- H. All paved parking lots with a capacity over ten (10) vehicles shall be striped or otherwise delineated between spaces to facilitate the movement into or out of parking spaces.
- I. All parking lots and loading/unloading spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and loading/unloading spaces from or into a public 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 road.
- J. All entrances and exits to a parking lot shall be clearly marked. Interior vehicular circulation by way of access driveways and aisles shall maintain the following standards:
 - 1. Access driveways and aisles for one way traffic shall have a minimum width of fourteen (14) feet and a maximum width of twenty (20) feet.
 - 2. Access driveways and aisles for two-way traffic shall have a minimum width of twenty-four (24) feet and a maximum width of fifty (50) feet.
 - 3. Parking lots having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.
 - 4. The maximum number of access driveways shall be two (2).

5. No portion of any parking lot shall be constructed any closer than fifty (50) feet from the road right-of-way, twenty-five (25) feet from any property line or fifty (50) feet if the property line is adjacent to a residential district.
- K. All parking spaces shall be located totally outside of the right-of-way of any public or private road, and may be located in the front, side, or rear yard of any lot, subject to the regulations set forth in **Section 600 (J)(5)**.
- L. All loading/unloading spaces shall be located in the side or rear yard of any lot.
 1. A ten (10) foot setback shall be maintained from any buffer zone, or side or rear lot line.
- M. Whenever a parking lot and/or loading/unloading area is located in or adjacent to a residential district it shall be effectively screened on all sides, which adjoin, or face any property used for residential purposes, by a wall, fence, or planting screen. Such wall, fence or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such wall, fence or planting screen, and the lot line of the adjoining property in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. In the event that the terrain or other natural features are such that the erection of such wall, fence, or planting screen will not serve the intended purpose, then no such wall, fence or planting screen and landscaping shall be required.
- N. Child care center or school child center bus or transit vehicle regulations. [Adopted 09-06-03]

The following regulations shall apply to buses or transit vehicles serving a child care center:

1. There shall be a safe, unimpeded designated and marked, drop-off and pick-up zone.
2. There shall be sufficient space for three (3) buses in a line on the driveway approach to a one-way drop-off and pick-up zone.
3. There shall be sufficient clearances and separate driveways for egress and ingress to a public roadway. Proof of compliance with the applicable regulations of the Ohio Department of Transportation along state and federal routes shall be required. [Adopted 01-02-2008]

Section 601.0: Number of Parking Spaces Required

In all zoning districts, the number of parking spaces provided shall be in accordance with the following schedule of requirements:

<u>Use</u>	<u>Number of Parking Spaces Required</u>
One-family dwelling (including home occupation)	Two (2) off-street spaces
Manufactured home	Two (2) off-street paved spaces
Churches or temples	One (1) for each four (4) seats in the main auditorium
School	
High school	Ten (10) spaces per classroom
Elementary school	Three (3) spaces per classroom
Auditoriums, places of public assembly	One (1) for each four (4) seats
Medical office buildings, clinics (buildings in which 20% or more of the gross area is occupied by members of the healing profession)	One (1) for each two hundred (200) square feet of gross area used for this purpose.
Manufacturing or industrial buildings or uses	One (1) for each four hundred (400) square feet of gross area used for this purpose and one (1) for each two hundred (200) square feet of gross area used for office space
All nonresidential buildings and uses except those specified herein	One (1) for each two hundred (200) square feet of floor area.
Permitted Principal and accessory buildings, structures, and uses associated with Passive Park District [Adopted 01-02-2008]	See Article IV, Section 407.3 [Adopted 01-02-2008]
Permitted Principal and accessory buildings, structures, and uses associated with Active Park District [Adopted 01-02-2008]	See Article IV, Section 408.3 [Adopted 01-02-2008]

Section 602.0: Size of Parking Spaces

- A. The width of a handicap parking space shall be a minimum of fourteen (14) feet and length shall be a minimum of twenty (20) feet. Each space shall be marked with a sign or handicap emblem on the pavement. Each space shall be the closest space available to the entrance and exit of the establishment. Each establishment shall have at least one handicap parking space. If an establishment has more than twenty-five (25) spaces there shall be at least one (1) handicap parking space per twenty-five (25) spaces.
- B. The width of a parking space shall be a minimum of ten (10) feet and the length shall be a minimum of twenty (20) feet. The total area of a parking space shall be a minimum of two hundred (200) square feet.

Section 603.0: Number of Loading/Unloading Spaces Required

Every commercial and industrial use permitted in this resolution shall have at least one loading/unloading zone for each use.

Section 604.0: Size of Loading/Unloading Spaces

The width of a loading/unloading space shall be a minimum of ten (10) 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 six hundred (600) square feet.

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

- A. The collective provision of parking and loading/unloading spaces for two (2) or more uses maybe permitted, provided that the total number of such spaces shall not be less than the sum of the space required for such uses computed separately, in accordance with this resolution.
- B. Whenever a lawfully existing building, structure, or use is enlarged, reconstructed, or structurally altered so as to increase its floor area, additional parking and loading/unloading spaces shall be provided on the basis of the floor area of such enlargement, reconstruction of 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.

Section 606.0: Traffic Visibility

No obstruction, such as structures, parking or vegetation shall be permitted in any district between the heights of two and one half (2 1/2) feet and ten (10) feet above the plane through the mean ground-grades within the triangular space formed by any two existing or proposed intersection street of-alley right-of-way lines and a line joining points on such lines located a minimum of thirty (30) feet from their intersection.

In case of arterial streets intersecting with other arterial streets or railways, the corner cut off distances establishing the triangular vision clearances space shall be increased to fifty (50) feet.

Section 607.0: Requirements for driveways in Residential District

- A. Driveways in a residential district shall be a least ten (10) feet from any side lot line and minimum of ten (10) feet wide. The entire surface of the driveway shall be constructed with an all weather surface.
- B. Driveways in a residential district shall not be greater than one thousand (1000) feet in length. The length of a driveway shall be measured along its centerline, beginning at its intersection with the edge of the public road right-of-way to its point of termination.

ARTICLE VII

SIGNS

Section 700.0: Sign Definitions [Adopted 02-15-2012]

A. Types of Signs

1. "**Billboard**" means an outdoor advertising device which advertises an activity, service or product located on a lot other than a lot at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or individual for the purpose of selling advertising messages for profit. A billboard is an "off-premises" sign.
2. "**Bulletin board**" means an announcement sign which directs attention to the name of the business or establishment, the goods or commodities produced and/or sold, and/or the services rendered on the premises upon which such sign is located, and is so designed that characters, letters, or illustrations can be changed or rearranged without altering the basic face or surface of the sign.
3. "**Business or professional**" means a sign which directs attention to the name of the business or establishment, the goods or commodities produced and/or sold, and/or the services rendered on the premises upon which such is located. A business or professional sign is an "on premises" sign.
4. "**Development**" means a permanent sign indicating the name of a subdivision or premises. Such sign may also display an address.
5. "**Directory**" means a sign on which the names and locations of occupants and/or use of the building are given.
6. "**Governmental**" means a sign located or erected by a political subdivision pursuant to law and serving an official function such as traffic control.
7. "**Nameplate**" means a sign indicating the name and/or address of the occupant of the premises.
8. "**Real estate**" means a temporary sign directing attention to the promotion, development, rental, sale, or lease of real property.
9. "**Temporary**" means a building, structure, or use that exists for a limited time. (Adopted 05-07-2014)
10. "**Temporary sign**" means a sign intended to draw attention to a particular event or occurrence including but not limited to sales, festivals, and the like. (Adopted 05-07-2014)

B. Designs of Signs [Adopted 02-15-2012]

1. "**Flat or wall**" means a sign painted on or attached to and erected parallel to the face of, and erected and confined within the limits of, the outside wall of a building and supported by such wall and which displays only one (1) advertising surface or face.
2. "**Freestanding**" means any portable sign or sign structure not securely or permanently attached to the ground or to a building. (Adopted 05-07-2014)
3. "**Ground or pylon**" means a sign supported by one (1) or more uprights, poles, braces, or a permanent foundation and which is entirely independent of any building for support. A ground

sign shall not have more than two (2) advertising surfaces or faces.

4. **"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.
5. **"Projecting"** means a sign extending beyond the vertical surface or plane of the exterior wall a building to which such a sign is attached.
6. **"Roof"** means a sign erected upon the roof of a building, all surfaces of which are located above the roof surface and do not project beyond any exterior wall of the building on which located.
7. **"Window"** means a sign painted on, attached or affixed to the interior surface of a window or door of a building intended to be seen from the exterior.

Section 701.0: General Requirements for all Signs [Adopted 02-15-2012]

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

1. Any illuminated sign or lighting device shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed upon a public or private road or adjacent lots so as to cause glare or reflection that may constitute a traffic hazard, nuisance, or distraction.
2. No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
3. No sign shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window providing access to any fire escape or exit.
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, 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, or be in danger of falling, the owner of the real property upon which the sign is located shall, upon receipt of written notice from the zoning inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
7. Normal maintenance by way of painting, cleaning and minor repair is required for the life of the sign.
8. Removal of signs (See section 711.0)

Section 702.0: Prohibited Signs in all Districts [Adopted 02-15-2012]

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 and official governmental sign, signal, or device.
4. Roof signs
5. Freestanding signs or mobile signs, except as set forth in section 406.1.
6. Projecting signs
7. Marquee
8. Off-premises signs, except for temporary signs in accordance with section 704.0, and billboards in accordance with section 712.0.

Section 703.0: Governmental Signs Exempted

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

Section 704.0: Signs Permitted in all Districts not Requiring a Zoning Certificate [Adopted 02-15-2012]

- A. The following types and designs of signs may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in all zoning districts without a zoning certificate or fee but subject to the following limitations:
1. One (1) real estate sign per lot, dwelling unit, or use with a maximum area of four (4) square feet per sign face which advertises the sale, lease, or rental of the premises upon which such sign is located.
 2. One (1) real estate development on premise sign per subdivision with a maximum area of twenty (20) square feet per sign face which advertises the sale of lots in the subdivision upon which such sign is located. This sign shall be removed upon the sale of eighty (80) percent of the available lots. No zoning certificate is required. (Adopted 05-07-2014)
 3. One (1) nameplate sign per lot, dwelling unit, or use with a maximum area of one (1) square foot per sign face indicating the name and addresses of the owners or occupants of the premises.
 4. Directional (entrance and exit) signs on private property with a maximum area of one (1) square foot per sign face and containing only directional information.
 5. Temporary signs on premise, off premise in conjunction with garage sales, temporary retail sales and services, temporary season sales, or similar activities may be permitted. (Adopted 05-07-2014)
 - a. One (1) on premise signs may be allowed with two (2) sign faces not to exceed twelve (12) square feet in area.
 - b. A maximum of four (4) off-premise signs may be allowed with a sign face not to exceed three (3) square feet in area; shall not be attached to a utility pole, and shall not be located in the road right-of way. Written permission of the property owner where such sign shall be located must accompany application for a zoning certificate.
 - c. One (1) real estate development on premise sign per subdivision with a maximum area of twenty (20) square feet per sign face which advertises the sale of lots in the subdivision upon which such sign is located. This sign shall be removed upon the sale of eighty (80) percent of the available lots. No zoning certificate is required.

- d. Temporary signs may be erected for a particular event, for a period of time which is terminated by the conclusion of the event, not to exceed thirty (30) days.
 - 1. Signs erected and maintained pursuant to or required by any law or governmental regulation shall be exempt from the provisions of this resolution.
 - 2. Temporary signs relating to candidates for public office or public issues may be erected only with the permission of the owner of the premises. No such temporary sign shall be posted or erected in any place or in manner which is destructive to property upon erection or removal. No such temporary sign shall be erected within a public right-of-way nor shall any sign be posted on a utility pole. No zoning certificate is required and no time limits are imposed.
- 6. One (1) development sign per subdivision or premises with a maximum area of twenty (20) square feet per sign face. Such sign shall be maintained by the owner of the real property upon which the sign is located.
- 7. Window Signs
- 8. Signs including "No Hunting", "No Trespassing", "Keep Out", "Private", and "Game Preserve", not larger than two (2) square feet in area, may be placed along property lines.
- 9. Garage sale signs (See section 406.1)
- B. No zoning certificate or fee shall be required for the change of content or subject matter of a sign provided that there is no structural or design alteration of said sign.

Section 705.0: Signs permitted in the Residential Zoning District (also see Section 704.0)

(Adopted 02-15-2012)

- A. Only the following signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:
 - 1. Each use in a residential zoning district may be permitted only one (1) of the following signs on the premises: wall, ~~or~~ ground or pylon.
 - a. Wall signs shall have a maximum area of two (2) square feet.
 - b. Ground or pylon signs shall have a maximum area of two (2) square feet per sign face.
- B. Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in a residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:
 - 1. Professional or home occupation signs
 - 2. Bulletin board signs
- C. No sign shall be illuminated by electricity, gas, or other artificial light, including reflection or phosphorescent light, in any residential zoning district, with the exception of subdivision signs.

Section 706.0: Signs Permitted in the Commercial, Industrial, and Park Zoning Districts (see also Section 704.0) [Adopted 03-16-2011]

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

1. Each commercial, industrial, or park use may be permitted one (1) wall sign on the premises:
 - a. Wall signs shall have a maximum area of one hundred (100) square feet.
 2. In addition to a wall sign each commercial, industrial, or park use may be permitted one (1) ground sign on the premises. Such sign shall not exceed fifty (50) square feet per sign face in area.
 3. In lieu of the permitted ground sign in paragraph 2 above, one (1) or more groups of commercial, industrial, or park uses within the same building or structure, or located on the same lot, shall be permitted one (1) directory sign for all uses. Such signs shall have a maximum area of fifty (50) square feet per sign face.
 4. Directional (entrance and exit) signs on commercial, industrial or park property with a maximum area of two (2) square feet per sign face and containing only direction information.
 5. Each commercial, industrial, or park use may be permitted one rear service door identification directional wall sign having a maximum area of three (3) square feet.
- B. Only the following types of signs may be located, erected, moved, constructed, extended, enlarged, converted, or structurally altered in the commercial, industrial, and park zoning districts upon the issuance of a zoning certificate and subject to the following limitations:
1. Bulletin board signs
 2. Business or professional signs
 3. Directory signs

Section 707.0: Measurement of Sign Area

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

Section 708.0: Measurement of Sign Height

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

Section 709.0: Maximum Height Requirements [Adopted 2-15-2012]

- A. Wall signs shall not exceed the height of the wall face to which such signs are attached.
- B. Ground or pylon signs shall have a maximum height of twenty (20) feet.

Section 710.0: Minimum Yard Requirements [Adopted 2-15-2012]

- A. Commercial, industrial, and park ground or pylon signs shall have a minimum setback of ten (10) feet from the front lot line.
- B. Residential ground or pylon signs shall have a minimum setback of one (1) foot from the front lot line.
- C. Commercial, industrial, and park ground or pylon signs shall have a minimum setback of forty

(40) feet from the side lot lines except where a buffer zone exists.

- D. Residential ground or pylon signs shall have a minimum setback of ten (10) feet from the side lot lines.

Section 711.0: Removal of Signs [Adopted 2-15-2012]

Any existing conforming or nonconforming sign which no longer relates to the building, structure or use of the affected premises and has become obsolete shall be completely removed within one hundred twenty (120) days after written notification of same has been sent by the zoning inspector to the owner or lessee.

Section 712.0: Billboards [Adopted 2-15-2012]

A. 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 and industrial districts or on lands used for agricultural purposes as defined in this resolution. Billboards shall be prohibited in all other zoning districts.

B. Conditions

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

1. There shall be no more than 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.
2. A billboard shall be the principal use of the lot on which it is located.
3. The sign face area of a billboard shall be included in determining the maximum allowable signage on a lot for the zoning district in which it is located.
4. Billboards shall be spaced a minimum of one thousand (1000) feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the township, where the affected road extends beyond such boundaries.
5. A billboard shall be set back a minimum of fifty (50) feet from any residential zoning district boundary. The setback shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.
6. A billboard shall be set back a minimum of two hundred-fifty (250) feet from an existing residential dwelling, a church or place of worship, a cemetery, a school, a public park or playground, a public library or a day care center. The setback shall be measured from the

nearest lot line to the nearest portion of a billboard.

7. A billboard shall be set back a minimum of one hundred (100) feet from any front lot line. The setback shall be measured from the front lot line to the nearest portion of the billboard.
8. A billboard shall be set back a minimum of thirty (30) feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
9. A billboard shall be set back a minimum of twenty (20) feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.
10. A billboard shall be set back a minimum of 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.
11. A billboard shall be set back a minimum of fifty (50) feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of the billboard.
12. The maximum height of a billboard shall be thirty-five (35) feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.
13. The maximum size of each sign face of a billboard shall be two hundred-ten (210) square feet.
14. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.
15. A billboard projecting over a driveway shall have a minimum clearance of twenty (20) feet between the lowest point of the sign and the finished driveway grade.
16. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ lighting of a constant intensity. Flashing, rotating or oscillating lighting shall be prohibited. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device or signal.
17. A billboard shall not employ any elements which revolve, whirl, spin or otherwise make use of motion.
18. All wiring, fittings, and materials used in the construction, connection and operation of a billboard shall comply with the applicable provisions of the building and electrical codes enforced by the Geauga County Building Department. The applicant shall provide proof of compliance with such codes.
19. The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.
20. A billboard shall be included in determining the maximum coverage of buildings and structures on a lot for the zoning district in which it is located.
21. A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Flood Insurance Rate Maps of Geauga County.

22. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.
23. The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.
24. Billboard sign faces shall be neatly painted or posted at all times and the billboard structure shall be kept in a safe state of repair.

ARTICLE VIII
ALTERNATIVE ENERGY (Adopted 05-07-2014)

Purpose: An alternative energy system shall be classified as follows:

- A. Accessory use:
1. Intended to reduce or replace on-site consumption of utility power.
 2. 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.
 3. Solar panels and solar panel arrays are permitted in all zoning districts in accordance with Section 400.0 (B).
 4. Small wind energy conversion systems are a conditional use in the zoning districts specified in this resolution.

Section 800.0: Solar Panels

Section 800.1: Definitions

For the purpose of this section, the following definitions of terms shall apply.

“Freestanding solar panel” means a solar panel or an array of solar panels that are not attached to a building and are mounted on a structure attached to the ground.

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

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

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

Section 800.2: Solar Panels and Solar Panel Arrays Classified as Permitted Accessory Uses

- A. A roof mounted solar panel or a roof mounted solar panel array shall be classified as a permitted accessory use in all zoning districts and shall be subject to the following regulations:
1. Roof line: Shall not extend beyond the roof line in any direction including the peak.
 2. Roof height projection: On a flat roof, shall extend vertically no more than half the distance of the height of the building, as measured from finished grade level. The solar panel or solar panel array shall abide by the maximum height requirements of the district that it is located in.
 3. Glare: Shall not be positioned so as to create glare on to adjacent roads or buildings on adjacent lots.
 4. Other codes: Shall be installed in accordance with all applicable building and electrical codes.
 5. Signage: Shall not have any signage attached except any owner's, manufacturer's and installer's identification and appropriate warning signage. The sign face of such signage shall not exceed two (2) square feet. Sign can be illuminated in accordance with Section 406.2 (C).
 6. Other regulations: Shall be in accordance with all other applicable regulations for the zoning district in which it is located.

- B. A freestanding solar panel or a freestanding solar panel array shall be classified as a permitted accessory use in all zoning districts and shall be subject to the following regulations:
1. Location: Shall not be located in the front yard or within ten (10) feet from any building or structure.
 2. Minimum setbacks: Shall be setback from all lot lines as follows:
 - a. Front: 100 feet
 - b. Side: 20 feet
 - c. Rear: 50 feet
 3. Minimum riparian setback: Shall comply with the setback from any watercourse, wetland, or 100 year floodplain in accordance with Article XV, Section 1503.0.
 4. 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.
 5. Lot coverage: The area of the face of the solar panels shall be included in the total maximum lot coverage which shall be:
 - a. Ten (10) percent in a residential district.
 - b. Forty (40) percent in the commercial district.
 - c. Fifty (50) percent in the industrial district.
 - d. Ten (10) percent in the park districts.
 - e. Eighty (80) percent in the manufactured home park districts.
 6. Glare: Shall not be positioned so as to create glare on to adjacent roads or buildings on adjacent lots.
 7. Other codes: Shall be installed in accordance with all applicable building and electrical codes.
 8. Signage: Shall not have any signage attached except any owner's, manufacturer's and installer's identification and appropriate warning signage. The sign face of such signage shall not exceed two (2) square feet. Sign can be illuminated in accordance with Section 406.2 (C).
 9. Decommissioning: Shall be completely removed within twelve (12) months of discontinuance of use and the affected area shall be fully restored to its preconstruction condition within twelve (12) months.
 10. Other regulations: Shall be in accordance with all other applicable regulations for the zoning district in which located, and the WMSC regulations in Article XVI.

Section 801.0: Wind Energy Conversion Systems

Section 801.1: Definitions

For the purpose of this section, the following definitions of terms shall apply.

“Small wind energy conversion system (SWECS)” means a WECS that is intended primarily to reduce or replace on-site consumption of utility power.

“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.

“WECS tower” means monopole or a lattice tower that may be freestanding or attached to a building that supports a wind turbine.

“Wind turbine” means the parts of the WECS including the blades or airfoils and associated mechanical and electrical conversion components mounted to a wind tower or a building.

“Clearance” means the distance from the closest tip of the rotor blade to any structure.

“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.

“Rotor diameter” means twice the length of the blade.

Section 801.2: SWECS Classified as a Conditional Use

A SWECS, whether freestanding or mounted to a building, shall be classified as a conditional use in all zoning districts and shall be subject to the following conditions:

A. Conditions for a SWECS:

1. Accessory use: A SWECS shall be classified as an accessory use on a lot.
2. Connection: A SWECS shall have an electrical connection to the principal building, structure or use on the same lot on which it is located and may be connected to other accessory buildings, structures, or uses plus the electrical power grid utilized by the utility company.
3. Number: There shall be no more than one (1) SWECS per lot (minimum three (3) acres).
4. Minimum setback from lot lines: A SWECS tower shall be setback a minimum distance equal to 1.1 times its total height measured from all lot lines. Total height shall mean the vertical distance measured from the finished grade level at the base of the tower to the tip of the wind turbine blade or airfoil at its highest point.
5. Maximum height:
 - a. A ground-mounted SWECS shall not exceed one hundred-fifty (150) feet.
 - b. No portion of a roof-mounted SWECS shall exceed ten (10) feet beyond the maximum height restrictions of the district in which it is located.
6. Minimum riparian setback: A SWECS tower shall be setback from a watercourse, a wetland, or a 100 year floodplain in accordance with the regulations in Article XV, Section 1503.0.
7. Location on a lot: A SWECS shall not be located in front of the principal building on a lot.
8. Clearance: No portion of a ground-mounted SWECS, including blades, shall extend within thirty-five (35) feet of the ground. No portion of a SWECS may extend over overhead utility lines.
9. Climb prevention: A SWECS tower shall not have climbing rungs within fifteen (15) feet of the ground unless either of the following features exists. A locked anti-climb device installed on the tower; or the tower is completely enclosed with a locked security fence within twenty (20) feet of the base and at least six (6) feet in height to prevent uncontrolled access or unauthorized access.
10. Lighting: A SWECS shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) regulations.
11. Signage: No signs shall be attached or painted on a SWECS except identification signage related to the manufacturer, installer, and owner, and high voltage warning signage. One (1) cautionary sign must be erected at the base of the tower. It may read: Danger: High Voltage; Electric Shock Hazard, or shall show the international symbols for shock hazard and high voltage, and state maximum electrical output. Such signage must have a maximum area of two

(2) square feet. One (1) cautionary sign may be illuminated in accordance with Section 406.2 (C).

12. Wiring: All wiring from a SWECS to any buildings, structures or connections shall be underground.
13. Coloring: If painted, a SWECS shall be a non-reflective color.
14. Maintenance: A SWECS shall be maintained in working condition at all times, shall be structurally sound and free of surface defects.
15. Compliance with other regulations: The owner shall be responsible to secure any necessary approvals and inspections from other applicable departments and agencies.
16. Over-speed controls: A SWECS shall be equipped with manual and/or automatic over-speed controls to retain blade rotation speed with design limits.
17. Engineering study: A written engineering study by a qualified consultant retained by the owner that analyzes the potential effects of a SWECS on the public safety microwave network maintained by the Geauga County Sheriff's office may be required. Said study shall be submitted to the Radio System Coordinator, Geauga County Sheriff's office, for review. A SWECS shall not obstruct or otherwise detrimentally impact the radio signal and operation of the Geauga County public safety microwave network.
18. Any physical modification to the SWECS that alters the mechanical load, mechanical load path, or major electrical components shall require reapplication for conditional use under this section. Like-kind replacements shall not require reapplication. Prior to making any physical modification (other than like-kind replacement), the owner or operator shall request determination from the Township Zoning Inspector whether the physical modification requires reapplication for a conditional zoning certificate.
19. Meteorological device: A meteorological device may be used to collect wind measurement data prior to the location of a SWECS on a lot. A meteorological device shall be a temporary use and shall be completely removed from the affected lot upon completion of the study, not to exceed one (1) year after its installation. See Section 406.1.
20. Design: A SWECS should be certified and approved by federal or state government or American Wind Energy Association (AWEA) certification program. A non-certified SWECS must have a description of safety features by a registered mechanical engineer in the State of Ohio. The person who designs, devises, installs or utilizes a non-certified SWECS must be the owner of the lot on which the non-certified SWECS is located for operation.
21. Application and site plan: In addition to other requirements set forth in Article V, Section 500.1, a site plan drawn to scale shall be required and shall depict all of the items necessary to ensure compliance with all of the conditions set forth herein. Specific information on the total height, rated power output, rotor diameter, directional orientation of the SWECS and description of over-speed control method shall be provided. The site plan shall be prepared by a registered professional surveyor in the State of Ohio. However, a lot owner who is not a registered professional surveyor may prepare a site plan for installation on the affected lot.
22. Permit Process:
 - a. Must have a site plan. The site plan shall show:
 - 1a. Recorded property lines and physical dimensions within 1.1 times the SWECS maximum height;
 - 2a. the location, dimension and type of existing buildings and structures;
 - 3a. the location of the SWECS foundation;
 - 4a. the right-of-way of any overhead utility wires or towers; and

- 5a. such other information required by the township zoning inspector, or the board of zoning appeals to ensure compliance with this resolution.
 - b. Must provide tower foundation blueprints and/or drawings that are signed and sealed by a licensed professional engineer in the State of Ohio.
 - c. Must provide a statement of how much electricity is expected to be consumed, and expected to be provided by the SWECS.
 - d. Must supply written proof that a SWECS is in compliance with the Uniform Building Code or other applicable code per the manufacturer.
 - e. Must supply written proof that a SWECS is in compliance with the National Electric Code, per the manufacturer.
 - f. Must supply written proof that the electric public utility has been notified. Off-grid systems are exempt.
 - g. A written report, by a licensed/registered SWECS technician, of inspection and maintenance must be submitted to the zoning inspector every thirty (30) months from the issuance of the conditional zoning certificate. Records of these reports must be maintained by the owner to be provided to the zoning inspector.
 - h. If there are violations of any conditions for an existing SWECS, or if the lot on which a SWECS is located has been transferred to another owner, then the conditional zoning certificate shall be revoked by the zoning inspector.
 - i. A new conditional zoning certificate must be applied for within thirty (30) days after change in ownership in order to continue to operate the SWECS.
23. Shadow flicker: A written shadow flicker study, prepared by a qualified consultant, shall be required if another lot is within ten (10) rotor diameters of the SWECS, to determine any negative impact on surrounding lots; or, buildings or uses not on the same lot as the SWECS.
24. Removal: A SWECS shall be completely removed within twelve (12) months from discontinuance of use. A SWECS that is non-working or no longer being used for the primary purpose for one (1) year or more shall be deemed abandoned. The zoning inspector shall notify the owner in writing regarding removal. All manufactured pieces of the SWECS and associated control or conversion electronics shall be removed from the affected lot within twelve (12) months from the date of notice by the zoning inspector.
25. Compliance with other provisions of zoning resolution: A SWECS shall comply with all other applicable regulations for the zoning district in which it is located, the general provisions pertaining to conditional uses in Article V, and the WMSC regulations in Article XVI.
26. Additional conditions: A SWECS 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 IX

NONCONFORMING BUILDINGS, STRUCTURES, AND USES

Section 900.0: Non conforming Use of Buildings and Land not Affected by Zoning

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

Section 901.0: Reasonable Terms

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

Section 902.0: Completion

The construction of any dwelling, building or structure which commenced prior to the effective date of this resolution or amendment thereto, and for which a zoning certificate has been lawfully obtained, may be continued and completed, although such use does not conform with this resolution or amendment. Construction is hereby defined as the placing of construction materials in permanent position and fastened in a permanent manner. Construction must be completed within two (2) years of the effective date of this resolution or amendment thereto for the building or structure to be a lawful nonconforming use as provided in section 900.0 of this resolution. A building or structure shall be deemed complete for purposes of this section only upon issuance of an occupancy permit by the appropriate building authority.

Section 903.0: Restoration

On any nonconforming building or structure, or portion of a building or structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the square footage existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building, structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 904.0: Repair and Replacement

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

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

Section 905.0: Reconstruction

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

Section 906.0: Extension

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

Section 907.0: Substitution

A nonconforming use may be substituted for a lawful nonconforming use provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, dwelling units or in the number of persons using the property.

Section 908.0: Nonconforming Lot of Record

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

ARTICLE X
ADMINISTRATION

Section 1000.0: Township Zoning Inspector

Section 1000.1: Position of Township Zoning Inspector Established

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

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

Section 1000.2: Zoning Inspector's Bond [Adopted 3-16-2011]

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

Section 1000.3: Duties of Township Zoning Inspector [Adopted 3-16-2011]

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

- A. Provide applications for zoning certificates to those persons who wish to apply for a zoning certificate.
- B. Receive and act upon applications for zoning certificates in accordance with sections 1100.3 and 1100.4 of this resolution.
- C. Issue zoning certificates as permitted by the terms of this resolution.
- D. Revoke zoning certificates as permitted by the terms of this resolution.
- E. Receive and act upon complaints regarding violations of this resolution in accordance with section 1101.0 of this resolution.
- F. Make inspections as required to fulfill his/her duties.
- G. Upon finding that any provision of this resolution is being violated, he/she shall notify, in writing, the person responsible for such violation, ordering the action to correct such violation.
- H. Take any other action authorized by this resolution or by law to ensure compliance with or to prevent violations of this resolution.
- I. Safely keep an official record of all actions taken in fulfillment of the duties imposed on him/her by this zoning resolution; and, safely keep all documents, including applications, complaints, zoning certificates, reports and inspections which are received, issued or made in connection with his/her duties as zoning inspector. All such records and documents shall be indexed by name, address and date and kept in an orderly fashion and shall be open to public inspection. Copies of any of these records and documents shall be provided to any member of the public upon payment of a copying fee as established by the board of township trustees. None of the records or documents so kept shall be destroyed except upon compliance with **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 appeals, with the date of filing thereon, shall be safely kept in the official records of the township zoning inspector.
- K. Upon receipt of a notice of appeal to the board of zoning appeals, the zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- L. Safely keep and deposit all fees and monies received by him/her with the township fiscal officer within twenty-four (24) consecutive hours of receipt pursuant to **R.C. 117.17**.
- 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.
- N. Review proposed divisions of land that are not subject to platting and consolidations of lots of record pursuant to the "Subdivision Regulations of Geauga County, Ohio" and sign and date the survey plat with the appropriate language thereon to ensure proof of compliance with the applicable provisions of this resolution.

Section 1001.0: Township Zoning Commission

Section 1001.1: Township Zoning Commission Created [Adopted 3-16-2011]

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

Section 1001.2: Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission. [Adopted 3-16-2011]

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

Section 1002.0: Township Board of Zoning Appeals

Section 1002.1: Township Board of Zoning Appeals Created [Adopted 3-16-2011]

Pursuant to **R.C. 519.13**, the board of township trustees shall appoint a township board of zoning appeals for said township, composed of five (5) members who shall be residents of the unincorporated territory in the township included in the area zoned. The board of township trustees may also appoint two (2) alternate members to the board of zoning appeals in accordance with **R.C. 519.13**.

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

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

Section 1002.2: Powers of Township Board of Zoning Appeals [Adopted 3-16-2011]

The township board of zoning appeals may:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of **section 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 be observed and substantial justice done.
- C. Grant conditional zoning certificates for the use of land, buildings, or other structures for specific uses provided for in this resolution and in accordance with the conditions set forth herein.
- D. Revoke an authorized conditional zoning certificate if any condition of the certificate is violated in accordance with section 504.0 and 504.1 of this resolution.

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

Section 1002.3: Rules, Organization, and Meetings of Board of Zoning Appeals [Adopted 3-16-2011]

- A. The township board of zoning appeal shall organize and adopt rules in accordance with this zoning resolution. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board of zoning appeals determines. The chairman, or in his/her absence the acting chairman, may administer oaths, and the board of zoning appeals may compel the attendance of witnesses. All meetings of the board of zoning appeals shall be open to the public. The board of zoning appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its

examinations and other official actions, all of which shall be immediately filed in the office of the board of township trustees and be a public record.

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

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

Section 1002.4: Procedures of Board of Zoning Appeals [Adopted 3-16-2011]

- A. Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the zoning inspector. Such appeal shall be taken within twenty (20) days after the decision of the zoning inspector by filing, with the zoning inspector and with the board of zoning appeals, a notice of appeal specifying the grounds of appeal. The zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- B. Written notices of appeal shall be made on forms provided by the township zoning inspector and shall be signed and dated by the appellant or his authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language:

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

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

1. The name, address, telephone number, fax number, and e-mail address of the appellant.
2. The name, address, telephone number, fax number, and e-mail address of the owner of record.
3. The address of the lot, if different from the appellant's current address, and permanent parcel number.
4. Documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease or purchase agreement).
5. A legal description of the lot, as recorded with the Geauga County Recorder.
6. The current zoning district in which the lot is located.
7. A description of the existing use of the lot.
8. A description of the proposed use of the lot.
9. The names, addresses, and permanent parcel number's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the street from the subject lot).
10. Six (6) copies of a plan or map, drawn to scale, with a north arrow and date showing the following:

- a. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 - b. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.
 - c. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 - d. The dimensions (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - e. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - f. The setback (in feet) from all lot lines of proposed buildings, structures and uses on the lot or of any addition or structural alteration to existing buildings or structures.
 - g. The height (in feet) of existing buildings or structures on the lot.
 - h. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - i. The name and location of the existing road(s), public and private, adjacent to the lot.
 - j. The number of dwelling units existing (if any) and proposed for the lot.
 - k. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 - l. For commercial and industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
 - m. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 - n. For commercial and industrial uses: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
 - o. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
 - p. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
 - q. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
11. The number of the application for the zoning certificate.
12. All notices of appeal for signs shall include, at a minimum, the following information:
- a. Six (6) copies of a drawing or map, drawn to scale with a north arrow and date, showing:
 - 1. The dimensions (in feet) of the sign.
 - 2. The area of the sign in square feet.

3. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.
 4. The height (in feet) of the sign.
 5. The method of illumination, if any.
 6. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo).
13. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
 14. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
 15. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his/her authorized representative relative to the alleged error made by the zoning inspector in his/her determination of the application for the zoning certificate.
 16. For notice of appeal requesting a variance, the appellant or his/her authorized representative shall provide the following:
 - a. A statement relative to the exact nature of the variance requested.
 - b. The specific zoning regulation(s) shall be cited from which variance is requested.
 - c. Written justification for a variance shall be made by the appellant and the board of zoning appeals shall determine if the proposed variance involves an "area" variance or a "use" variance.
 1. Standards for an "area" variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following:
 - 1a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 - 1b. Whether the variance is substantial.
 - 1c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 - 1d. Whether the variance would adversely affect the delivery of governmental services.
 - 1e. Whether the lot owner purchased the property with the knowledge of the zoning restriction.
 - 1f. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance.
 - 1g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 2. Standards for a "use" variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following:

- 2a. 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;
- 2b. The hardship condition is not created by actions of the applicant;
- 2c. The granting of the variance will not adversely affect the rights of adjacent owners;
- 2d. The granting of the variance will not adversely affect the public health, safety or general welfare;
- 2e. The variance will be consistent with the general spirit and intent of the zoning resolution;
- 2f. The variance sought is the minimum which will afford relief of the applicant; and
- 2g. There is no other economically viable use which is permitted in the zoning district.

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

- D. Hearings before the board of zoning appeals shall be conducted in accordance with the following:
 - 1. Any person may appear in person or by attorney
 - 2. All testimony and evidence received by the board shall be given under oath or affirmation administered by the chairman or in his/her absence the acting chairman of the board of zoning appeals.
 - 3. A party in interest shall be allowed:
 - a. To present his/her position, arguments and contentions;
 - b. To offer and examine witnesses and present evidence in support thereof;
 - c. To cross-examine witnesses purporting to refute his/her position, arguments and contentions;
 - d. To offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions;
 - e. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
 - 4. The board of zoning appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.

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

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

1. All decisions shall include conclusions of fact of the board in support of the decision.
2. A decision of the board and the adoption of conclusions of fact shall be made at a public meeting of the board. The decision and the conclusions of fact of the board shall be in writing and signed at a public meeting of the board by all members voting affirmative thereon no later than thirty (30) days from the last date of public hearing.
3. The original written decision and conclusions of the fact of the board of zoning appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by the board of zoning appeals with the township fiscal officer within five (5) days of the signing of the written decision and conclusions of fact by the board of zoning appeals,
4. Copies of the written and signed decision of the board of zoning appeals shall be sent by ordinary mail, within five (5) days of the signing of the written decision to the township zoning inspector and the appellant.
5. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in **R.C. 2505.07** for purposes of appeal to the court of common pleas pursuant to **R.C. Chapter 2506**.

ARTICLE XI
ENFORCEMENT

Section 1100.0: Zoning Certificate Required [Adopted 3-16-2011]

- A. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure nor shall any building, structure, or real property be changed in use within the territory included in this zoning resolution without obtaining a zoning certificate and no such zoning certificate shall be issued unless the plans for the proposed building, structure or use fully comply with this zoning resolution.
- B. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure:
 - 1. To provide for greater height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area; or
 - 4. To have narrower or smaller front yards, side yards, rear yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this resolution.
- C. No lot or yard existing at the time of the effective date of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.
- D. A lot shall have frontage on a road and shall be in conformity with all of the minimum area, frontage, width, setbacks (yards) and other applicable regulations contained in this resolution or any amendment thereto in effect at the time of its recording with the county recorder.

Section 1100.1: Contents of Application for a Zoning Certificate [Adopted 02-15-2012]

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/her authorized representative attesting to the truth and accuracy of all information supplied in the application.

All applications for zoning certificates shall contain the following language:

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

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

- A. The name, address, telephone number, fax number, and e-mail address of the applicant.
- B. The name, address, telephone number, fax number, and e-mail address of the owner of record.
- C. The address, of the lot, if different from the applicant's current address, and permanent parcel number.

- D. Documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement).
- E. A legal description of the lot, as recorded with the Geauga County Recorder.
- F. The current zoning district in which the lot is located.
- G. A description of the existing use of the lot.
- H. A description of the proposed use of the lot.
- I. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
 - 1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 - 2. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.
 - 3. The setback (in feet) from all lot lines of existing buildings, structures and uses on the lot, if any addition or structural alteration to existing buildings or structures.
 - 4. The dimensions (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - 6. The setback (in feet) from all lot lines of proposed buildings, structures and uses on the lot or of any addition or structural alteration to existing buildings or structures.
 - 7. The height (in feet) of existing buildings or structures on the lot.
 - 8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - 9. The name and location of the existing road(s), public and private, adjacent to the lot.
 - 10. The number of dwelling units existing (if any) and proposed for the lot.
 - 11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 - 12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
 - 13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 - 14. The location and type of lighting structure or fixture including the method and intensity of illumination.
 - 15. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
 - 16. For commercial and industrial uses: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
 - 17. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.

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

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

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

- a. The dimensions (in feet) of the sign.
- b. The area of the sign (per sign face) in square feet.
- c. The location of the sign on the building, structure or lot including dimensions (in feet) from the front and side lot lines.
- d. The height (in feet) of the sign.
- e. The method of illumination, if any.
- f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo).

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

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

M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water conservation District concerning the storm water management and erosion control plan. The "water management and sediment control" regulations set forth in article XVI may apply and may be required as a part of the application.

N. The "riparian setback" regulations set forth in article XV may apply and may be required as a part of the application.

O. The application fee.

Section 1100.2: Action by Township Zoning Inspector on Application for Zoning Certificate [Adopted 3-16-2011]

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

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

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

Section 1100.3: Submission to Director of Ohio Department of Transportation [Adopted 3-16-2011]

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

The zoning inspector shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the director. If the director of transportation notifies the zoning inspector that he/she has purchased or has initiated proceeding to appropriate the land which is the subject of the application, then the zoning inspector shall refuse to issue the zoning certificate. If the director notifies the zoning inspector that he/she has found acquisition at that time not to be in the public interest, or upon the

expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the director and the property owner, the zoning inspector shall act upon the application in accordance with the provisions of this resolution.

Section 1100.4: Revocation of Zoning Certificate [Adopted 3-16-2011]

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 twelve (12) months from the date of issuance or if construction has begun within twelve (12) 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 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 X of this resolution. Such notice shall also include a statement that all construction upon or use of the building, structure, or land described in the zoning certificate shall cease unless and until a new zoning certificate has been issued.

Section 1101.0: Complaints Regarding Violations

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

Section 1102.0: Prohibition Against Violating Zoning Resolution

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

Section 1103.0: Action to Prevent Violations of Zoning Regulations [Adopted 3-16-2011]

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 Section 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 section, 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 XII
AMENDMENTS

Section 1200.0: Procedure for Amendments to Zoning Resolution

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

Section 1201.0: Contents of Application for a Zoning Amendment

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

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

Such application shall include the following information:

- A. The name, address and telephone number of the applicant.
- B. The address of the property, if different from the applicant's current address.
- C. Describe the present and proposed use of the property.
- D. Describe 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 owners of property 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.

Section 1202.0: Submission to Director of Ohio Department of Transportation

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

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

ARTICLE XIII

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

Section 1300.0: Purpose

- A. It is the purpose of this Section of the Hambden Township Zoning Resolution to regulate wireless telecommunication antennas, towers, and facilities in order to promote public health, safety, and morals in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:
1. Protect residential districts and land uses from potential adverse impacts of wireless telecommunications towers, antennas and facilities.
 2. Accommodate the wireless telecommunications towers and facilities as authorized by the Federal Telecommunication Act of 1996 (Public Law 104-104) in order to enhance telecommunications services and competition particularly wireless telecommunications service.
 3. Promote collocation as an alternative to siting new wireless telecommunications towers and appurtenances; and to maximize the use of existing and approved towers and buildings to collocate new wireless telecommunications antennas.
 4. Consider the public health and safety issues surrounding wireless telecommunications towers and appurtenances.
 5. Protect adjacent properties from potential damage from wireless telecommunications tower failure through proper engineering and careful siting to such structures.
 6. Encourage monopole wireless tower construction where feasible.
- B. This resolution shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request has been duly filed. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. This resolution shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

Section 1301.0: Permitted Uses

A wireless telecommunications tower and appurtenant facilities may be located, reconstructed, changed, altered, removed, or enlarged in the following areas as a permitted use subject to the requirements of this article and upon application for a zoning certificate and issuance of said certificate by the zoning inspector.

- A. A wireless telecommunication antenna may be permitted on a lawfully existing telecommunications tower, with the necessary equipment shelter, as a collocation on said existing tower.

- B. A wireless telecommunications tower and appurtenant facilities may be permitted within a recorded electric high tension power line easement. A tower located within said easement shall not be subject to the regulations set forth in Section 1302.0(A), 1303.0(S), and (T)(5).
- C. A wireless telecommunications tower and appurtenant facilities may be permitted in the industrial zoning district, and property owned or controlled by the Board of Trustees, or the State of Ohio.

Section 1302.0: Conditional Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged in the commercial district or on a lot in any residential district used for lawfully existing nonresidential purposes including public safety departments; schools; churches; parks; or federal, or county buildings, structures, or uses as a conditional use subject to the approval of the board of zoning appeals pursuant to the procedure set forth in Article V of this resolution and the following conditions as well as the regulations specified in this article.

- A. The collocation of antennas on lawfully existing towers or structures shall be preferred over the construction of new wireless telecommunications tower sites. If there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on a lawfully existing tower or structure within the geographic area to be served, including the areas set forth in Section 1301.0, then with the zoning certificate application, the applicant shall list the location of every tower or structure and all the areas set forth in Section 1301.0 that could support the proposed antenna(s) so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on a lawfully existing tower or structure or a technically suitable location is not available in any area set forth in Section 1301.0. If another tower or structure or area set forth in Section 1301.0 is technically suitable, the applicant must show that it has requested to collocate on the existing tower and the collocation was rejected by the owner of the tower or structure or that it has requested all property owners with technically suitable locations within a two (2) mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 1301.0 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to request for collocation within 30 days from the receipt of a written request sent by certified mail (return receipt requested) for collocation. If another telecommunications tower is technically suitable the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the township, if such a tower exists and space is available on the tower for collocation, which is owned or controlled by the applicant on reasonable reciprocal terms and the offer was not accepted.

The applicant shall further demonstrate that collocation is not feasible for the following reasons:

1. The planned equipment would exceed the structural capacity of existing or approved towers or structures as documented by a licensed professional engineer; and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The proposed equipment would cause radio frequency interference with other existing or planned equipment which cannot be prevented at a reasonable cost as documented by a licensed professional engineer.
3. The existing or approved towers or structures do not have space on them to accommodate the proposed equipment so it can function effectively and reasonably as documented by a licensed professional engineer.

4. Collocation would violate federal, state, or county regulations.
 5. The location of existing towers or buildings is not technically suitable due to topography or other impediments to transmission as documented by a licensed professional engineer.
 6. Existing or approved towers or structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
- B. All wireless telecommunications towers and appurtenant facilities shall comply with all general regulations as set forth in Section 1303.0.
- C. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances is discontinued for 60 consecutive days, said facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within 30 days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the conditional zoning certificate for the site shall be revoked following a hearing thereon by the board of zoning appeals. During any period of discontinuance of said telecommunications facility, the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject lot shall at all times be kept in good repair. The board of zoning appeals shall require a cash or surety bond of not less than \$100.00 per vertical foot from natural grade as part of a conditional zoning certificate to ensure such conditions, including but not limited to the removal of the tower, are met.

Section 1303.0: General Regulations

- A. No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a designated 100 year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Geauga County.
- B. No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a jurisdictional wetland as depicted on the maps published by the U.S. Fish and Wildlife Service, Department of the Interior, for Geauga County.
- C. A security fence not less than eight (8) feet in height shall fully enclose the base of the wireless telecommunications tower, the equipment building, and appurtenant facilities. Gates shall be locked at all times; and a key shall be provided to the Hambden Fire Department for emergency access.
- D. Evergreen trees or shrubbery not less than eight (8) feet in height shall be planted along the exterior perimeter of the security fence so as to screen it from view. Existing vegetation on the site shall be preserved to the maximum possible extent. Landscaping on the site shall be continuously maintained and promptly restored as necessary.
- E. A report shall be prepared and submitted by a licensed professional engineer and shall provide proof of compliance with all applicable federal, state, and county regulations. The report shall include a detailed site plan as required by Section 1307.0 of this resolution; a detailed description of the wireless telecommunications tower, equipment shelter, and appurtenances as well as the tower's capacity including the number and types of antennas it can accommodate; shall demonstrate compliance with the ANSI/EIA 222-F manual verifying the design and construction specifications for the tower; shall demonstrate that the tower is the minimum height necessary for its operation; and shall verify that radio frequency (electromagnetic) emissions are within compliance with the regulations of the Federal Communications Commission (FCC). A copy of the FCC license issued to the wireless telecommunications provider shall be submitted.

- F. A wireless telecommunications tower, equipment building, and appurtenances shall not be mounted on a building or structure listed on the National Register of Historic Places.
- G. A wireless telecommunications tower shall be painted a medium gray color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- H. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment shelter, and appurtenances or on the site.
- I. No more than one (1) warning sign, the maximum size of which shall be four (4) square feet, shall be posted on the site as well as an emergency telephone number. The applicant shall also provide the fire department, the county sheriff's office, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency. No other signs shall be posted on the site.
- J. A wireless telecommunications tower, equipment shelter, and appurtenances shall not be artificially lighted except to assure safety as may be required by the Federal Aviation Administration (FAA). If lighting is required, white strobe lights shall not be permitted unless no other alternative is allowed by the FAA. Proof of compliance with all FAA criteria shall be required and a copy of the review by the FAA shall be submitted.
- K. The applicant shall submit a plan documenting how the wireless telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.
- L. An all weather driveway to the site shall be a minimum of twelve (12) feet in width and shall be setback a minimum of ten (10) feet from the nearest side or rear lot line. An eleven (11) foot overhead clearance shall be maintained. A turn-around space shall be provided at the equipment storage area to be determined by the Hambden Fire Chief.
- M. The owner/operator of a free-standing monopole wireless telecommunication tower shall be required to allow collocation for a minimum of two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the zoning inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this regulation as well as all other applicable requirements, regulations and standards set forth herein.
- N. The owner of any wireless telecommunications tower erected under this section shall be required to accept collocation of any other antenna(s) except upon a showing of technological non-feasibility as set forth herein.
- O. A wireless telecommunications tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for additional users as set forth herein. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- P. There shall be no storage outside of the security fence of equipment or other items on the site except during the construction period, for ordinary maintenance, or in times of a power outage.
- Q. The minimum distance between wireless telecommunications towers shall be 2,500 feet.

- R. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances is discontinued for 60 consecutive days, said facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within 30 days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the conditional zoning certificate for the site shall be revoked following a hearing thereon by the board of zoning appeals. During any period of discontinuance of said telecommunications facility, the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject lot shall at all times be kept in good repair. The board of zoning appeals shall require a cash or surety bond of not less than \$100.00 per vertical foot from natural grade as part of a conditional zoning certificate to ensure such conditions, including but not limited to the removal of the tower, are met.
- S. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.
- T. Free-standing wireless telecommunications towers, antennas, and appurtenances
1. The maximum height of a free-standing monopole wireless telecommunications tower, including antenna(s), and appurtenances shall not exceed 200 feet.
 2. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances shall be 110% of the height of the tower within any zoning district.
 3. The maximum size of an equipment shelter accessory to a free-standing monopole wireless telecommunications tower shall be 400 square feet. The maximum height of an equipment shelter shall be 12 feet. There shall be no more than one (1) equipment shelter(s) located on a lot in conjunction with wireless telecommunications tower(s) or antenna(s). An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.
 4. A free-standing monopole wireless telecommunications tower shall be designed to support the co-location of at least three (3) antenna platforms of equal loading capacity.
 5. A wireless telecommunications tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in this section of the zoning resolution.
 6. A 5/8"(inch) thick steel rod shall be secured every fifteen (15) feet to the tower for emergency rescue.

Section 1304.0: Prohibited Areas

Except as noted in Sections 1301.0, 1302.0 and 1303.0 wireless telecommunications towers and facilities are prohibited in residential districts and no zoning certificate shall be issued therefor.

Section 1305.0: Fees

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

Section 1306.0: Public Utility Exemption

- A. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to R.C. 519.21(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- B. In the event a wireless telecommunications tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations set forth herein do not apply when the proposed location of the tower facility is in a non-residentially zoned area of the township. The proponent of such a tower facility must file a written application with the zoning inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for the purpose this exemption:
1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
 2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
 3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
 4. Whether the applicant conducts its operation in such a manner as to be a matter of public concern;
 5. Whether the good or service is vital;
 6. Whether there is a lack of competition in the local marketplace for the good or service;
 7. Whether there is regulation by a government authority and the extent of that regulation;
 8. Whether the applicant possesses the power of eminent domain.

No single factor set forth above is controlling as to whether the applicant is a "public utility engaged in the provision of telecommunications services." Each factor should be considered and weighed according to the factual circumstances presented and, in specific circumstances, some factors may be given more weight than others.

- C. If the zoning inspector determines to deny the applicant such "public utility" status, the inspector shall do so in writing and state the reasons therefor. Such decision of denial by the zoning inspector may not be a final decision by the township on the issue. Any determination by the zoning inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the board of zoning appeals pursuant to the procedures set forth in this zoning resolution. The decision of the board of zoning appeals shall be the final decision of the township on this issue.
- D. In the event a wireless telecommunications tower and appurtenant facility is proposed to be located in an unincorporated area of the township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this zoning resolution if it meets all of the criteria in 1, 2, and 3 above as follows:
1. All requirements of Section 1306.0 A through C are met;
 2. The public utility provides both of the following by certified mail:
 - a. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
 - (1) The public utility's intent to construct the tower; and
 - (2) A description of the property sufficient to identify the proposed location; and
 - (3) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that the provisions of this zoning resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and
 - b. Written notice to the board of township trustees of the information specified in subsection D.2.a of this section; and
 3. If the board of township trustees receives notice from a property owner under subsection D.2.a (3) of this section within the time specified in that subsection, or if a trustee makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under subsection D.2.b. of this section, the board shall request that the clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the regulations of this zoning resolution. The notice shall be sent no later than five (5) days after the earlier of the date the board of trustees first receives such 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.

Section 1307.0: Site Plan

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

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

ARTICLE XIV (Adopted 2-15-2012)

ADULT ORIENTED BUSINESSES

Section 1400.0: Definitions

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

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

“Adult bathhouse or sauna” means a steam bath or heated bathing room used for the purpose of bathing, relaxation, or using steam or hot air as a cleaning, relaxing or reducing agent and the service provided is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

“Adult cabaret” means a building or portion thereof including a nightclub, bar, restaurant or similar establishment which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on:

- Persons who appear in a state of nudity, or
- The exhibition of “specified anatomical areas” or “specified sexual activities” for observation by patrons.

“Adult massage business” means an establishment where, for any form of consideration, manipulation of human muscles or tissue by rubbing, stroking, kneading or other treatment of the body is practiced which is characterized by emphasis on matters related to “specified sexual activities” or “specified anatomical areas,” unless such massage treatment is practiced by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional practitioner licensed by the state.

“Adult media” means magazines, books, videotapes movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

“Adult media store” means an establishment that rents and / or sells media and that meets any of the following:

- Ten (10) percent or more of the gross public floor area is devoted to adult media.
- Ten (10) percent or more of the stock in trade consists of adult media.

- It advertises or markets itself in any forum as “X rated,” “adult,” “sex,” or otherwise as a sexually or adult oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.

“Adult motel or hotel” means an establishment which:

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

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

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

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

“Adult sexual paraphernalia business” means an establishment which devotes ten (10) percent or more of its gross public floor area to the sale or rental of adult media or sexually oriented devices, toys or novelties.

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

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

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

“Establishment” means any business regulated by this article.

“Explicit sexual material” means any hard-core material.

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

“Hard-core material” means media characterized by sexual activity that includes one 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.

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

“Nude photography studio” means an establishment that takes still or motion pictures for any form of consideration of models or patrons who engage in specified sexual activities or expose specified anatomical areas while being photographed.

“Nudity” means the showing of either of the following:

- The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
- The female breast with less than a fully opaque covering on any part of the areola.

“Sexually oriented devices, toys or novelties” means, without limitation, any artificial or simulated specified anatomical area or other device, novelty, toy or paraphernalia that is designed principally for specified sexual activities or to stimulate human genital organs, but shall not mean any contraceptive device.

“Specified anatomical areas” means less than completely and opaquely covered human genitals, pubic region, buttocks, and the female breast at a point immediately above or below the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified sexual activities” means any of the following:

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

“Video viewing booth or arcade booth” means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video tape, laser disc, cd-rom, books, magazines or periodicals) for observation by patrons therein. A video-viewing booth or arcade booth shall not mean a theater, motion picture theater, playhouse, or a room or enclosure within a building or portion thereof that contains more than fifty (50) square feet of floor area.

Section 1401.0: Conditions for Adult Oriented Businesses

An adult oriented business shall be allowed as a conditional use in the industrial zoning district only and shall be subject to the procedure for conditional zoning certificates as set forth in article V of this resolution, the general conditions for conditional uses as provided in article V 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 more than 1000 feet from a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library. For the purpose of this condition measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.

- B. An adult oriented business shall be located more than 500 feet from any residential zoning district boundary as established in this resolution and shown on the official township zoning map, the lot line of a lot devoted to a residential use, any boundary of a residential zoning district contiguous with the township, or any building that contains a residence. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of the lot or premises devoted to a residential use or possession of a building devoted to a residence, or to the nearest boundary of an affected residential zoning district.
- C. An adult oriented business shall be located more than 5280 feet from any other lawfully existing adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises devoted to a lawfully existing adult oriented business to the nearest front lot line of the lot or premises on which an adult oriented business may be conducted.
- D. An adult oriented business shall be conducted within a fully enclosed building.
- E. Management personnel shall be present at all times when an adult oriented business is open for operation.
- F. Proof of compliance with the rules and regulations of the county building department, county water resources department, county general health district, 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, safety, convenience, comfort, prosperity, or general welfare as determined by the board of zoning appeals.
- K. An adult oriented business shall be required to reapply for a conditional zoning certificate every three (3) years, ninety (90) days prior to the anniversary date of the original conditional zoning certificate.

Section 1402.0: Adult Oriented Businesses: Nonconforming Buildings, Structures, and Uses

Notwithstanding the provisions of this resolution regarding nonconforming buildings, structures, and uses, a lawfully existing adult oriented business in operation as a conforming use, shall not be rendered a nonconforming use by the subsequent location of a church or place of worship, public or private school, public park or playground, child day care center, governmental office, or public library within 500 feet, of a residential zoning district boundary or a residential use on a lot within 500 feet, of such adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.

ARTICLE XV (Adopted 2-15-2012)

ESTABLISHMENT OF RIPARIAN SETBACKS

Section 1500.0: Purpose and Intent

- A. The specific purpose and intent of these regulations is to regulate the location of buildings, structures, uses, and related soil disturbing activities within riparian setback areas that would impair the ability of these areas to:
1. Preserve and conserve the quality and free flowing condition of designated watercourses in the interest of promoting and protecting public health and safety.
 2. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
 3. Assist in stabilizing the banks of designated watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.
 4. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses.
 5. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter such watercourses.
 6. Provide designated watercourse habitats with shade and food.
 7. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
 8. Provide riparian habitat with a wide array of wildlife by maintaining diverse and connected riparian vegetation.
 9. Minimize encroachment on designated watercourses and limiting the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses as well as to reduce the damage to real property and threats to public health and safety within the affected watershed.
- B. These regulations have been enacted to protect and enhance the functions of riparian areas by providing reasonable controls governing buildings, structures, uses, and related soil disturbing activities within a riparian setback along designated watercourses in the township.

Due to the importance of properly functioning riparian areas, minimum riparian setbacks may be given preference over minimum front, side, or rear yard setbacks as specified in this resolution in the consideration of an appeal for a variance by the board of zoning appeals.

Section 1501.0: Applicability

- A. These regulations shall only apply when the following two (2) conditions are met:
 - 1. Soil disturbing activities regulated by this resolution are those proposed in, or within fifty (50) feet of, a riparian setback as set forth in these regulations; and
 - 2. A zoning certificate or conditional zoning certificate is required.
- B. These regulations shall apply to all zoning districts.
- C. The regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated watercourse, except as otherwise provided herein.
- D. The use of any building, structure or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Article IX, Nonconforming Buildings, Structures, and Uses.
- E. The repair, maintenance, extension, replacement, restoration, reconstruction or substitution of a building, structure or use lawfully existing prior to the effective date of these regulations may be continued or completed, subject to the provisions of Article IX, Nonconforming Buildings, Structures, and Uses.
- F. No zoning certificate or conditional zoning certificate shall be issued for any building, structure or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.

Section 1502.0: Definitions

For the purpose of these regulations, the following terms shall have the meanings as provided herein.

- A. **“Damaged or Diseased Trees”** means trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or a structure.
- B. **“Designated Watercourse”** means a river or stream within a township that is in conformity with the criteria set forth in these regulations.
- C. **“Federal Emergency Management Agency (FEMA)”** means the agency with overall responsibility for administering the National Flood Insurance Program.
- D. **“Impervious cover”** means any paved, hardened or structural surface regardless of its composition including (but not limited to) buildings, roads, driveways, parking lots, loading/unloading spaces, decks, patios, and swimming pools.

- E. ***“In-Line pond”*** means a permanent pool of water created by impounding a designated watercourse.
- F. ***“Land Development Activity”*** means any change to the surface area of a lot including (but not limited to) clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.
- G. ***“Ohio Environmental Protection Agency”*** means the governmental agency referred to herein as the Ohio EPA.
- H. ***“One Hundred Year Floodplain”*** means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by the Federal Emergency Management Agency maps of the township.
- I. ***“Ordinary High Water Mark”*** means the point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction or prevention of woody terrestrial vegetation; a predominance of aquatic vegetation; or other easily recognized characteristic. The ordinary high water mark defines the bed and bank of a watercourse.
- J. ***“Riparian Area”*** means naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants or performs other functions consistent with the purposes of these regulations.
- K. ***“Riparian Setback”*** means the real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations.
- L. ***“Soil and Water Conservation District (SWCD)”*** means the Geauga County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees.
- M. ***“Soil Disturbing Activity”*** means clearing, grading, excavating, filling or other alteration of the earth’s surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.
- N. ***“Waste Water Treatment Plant (WWTP)”*** means a facility at the end of a sanitary collection system, which processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA.
- O. ***“Watercourse”*** means any brook, channel, creek, river, or stream, either continuous or intermittent, having an established and defined bed and bank, as determined by the ordinary high water mark, and a definite direction of flow.
- P. ***“Wetland”*** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 C.F.R. 232, as amended).

- Q. **“Wetlands, Category 1”** means a low quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.
- R. **“Wetlands, Category 2”** means a medium quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.
- S. **“Wetlands, Category 3”** means a high quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

Section 1503.0: Establishment of Designated Watercourses and Riparian Setbacks

- A. A designated watercourse shall include one or more of the following criteria.
 - 1. All watercourses draining an area equal to or greater than one-half (0.5) square mile, or
 - 2. All watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the zoning inspector may consult with representatives of the Geauga SWCD or other technical experts.
- B. Riparian setbacks on designated watercourses shall be established as follows.
 - 1. A minimum of seventy-five (75) feet on each side of all designated watercourses draining an area equal to or greater than one-half (0.5) square mile and up to twenty (20) square miles.
 - 2. A minimum of twenty-five (25) feet on each side of all designated watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined in these regulations.
- C. The following regulations shall apply to riparian setbacks.
 - 1. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of a designated watercourse, except for existing in-line ponds as addressed in Section 1503.0(C)(5).
 - 2. Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.
 - 3. Where the one hundred year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year floodplain as delineated on the flood hazard boundary map(s) for the affected area provided by FEMA.
 - 4. Where a wetland is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the wetland, plus the following additional setback widths based upon the particular wetland category. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the lot owner using

delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations. Such delineation is a requirement of the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency.

- a. An additional minimum setback of fifty (50) feet extending beyond the outermost boundary of a category 3 wetlands.
 - b. An additional minimum setback of thirty (30) feet extending beyond the outermost boundary of a category 2 wetlands.
 - c. No additional setback shall be required beyond the outermost boundary of a category 1 wetlands.
5. The minimum riparian setback on an in-line pond existing at the time an application for a zoning certificate or a conditional zoning certificate is made under this resolution shall be measured from the ordinary high water mark of the designated watercourse as it enters said pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond. Riparian setbacks on in-line ponds existing at the time an application is made under this resolution shall be expanded to include wetlands and floodplains as detailed in Section 1503.0(C)(3) and (4). The creation of new in-line impoundments shall not be permitted under this resolution.

Section 1504.0: Riparian Setback Guide Map

- A. The township shall create a guide map identifying designated watercourses and their riparian setbacks. Said guide map is attached hereto and made a part of this regulation and is identified as Exhibit "A." The riparian setback guide map may be utilized as a reference document by the zoning inspector and the board of zoning appeals in determining when the riparian setback applies. (For guide map see page 15.9)
- B. Nothing herein shall prevent the township from amending the riparian setback guide map from time to time as may be necessary.
- C. If any discrepancy is found between the riparian setback guide map and these regulations, or if any discrepancy is found between existing site conditions and the riparian setback guide map, the criteria set forth in Section 1503.0 shall prevail.

Section 1505.0: Applications and Site Plan

- A. When making an application for a zoning certificate or a conditional zoning certificate for a building, structure or use regulated by this resolution and proposing soil disturbing activities regulated herein or within fifty (50) feet of a riparian setback, the owner shall be responsible for identifying riparian setbacks as required by these regulations and shall indicate such setbacks on a site plan submitted to the zoning inspector. The site plan shall be prepared by a professional engineer, surveyor, soils scientist, landscape architect or such other qualified individual and shall be based upon a survey of the affected lot. Six (6) copies of the site plan shall be submitted. In addition to the requirements set forth in this resolution for a zoning certificate or a conditional zoning certificate, the owner shall provide the following information to the zoning inspector.

1. A site plan depicting the following, if applicable, as determined by the zoning inspector:
 - a. The boundaries of the lot with dimensions.
 - b. The location of all designated watercourses.
 - c. The limits, with dimensions, of the riparian setback.
 - d. The existing topography at intervals of two (2) feet.
 - e. The location and dimensions of any existing and proposed buildings, structures, and uses in relationship to all designated watercourses.
 - f. The description and location, with dimensions plus a calculation of the total area, of all land development activities, soil disturbance, and impervious cover.
 - g. The description and depiction of all erosion and sedimentation controls plus all storm water management controls, including all temporary and permanent best management practices.
 - h. If the lot included in the site plan is a part of a platted and recorded subdivision, the riparian setback shall be as shown on said plat.
 - i. North arrow, scale, date, and stamp bearing the name and registration number of the professional consultant who prepared the plan shall be provided.
 2. Such other supplementary information as may be necessary for the zoning inspector or the board of zoning appeals to ensure compliance with the provisions of these regulations.
- B. The zoning inspector, may, in reviewing the site plan, consult with the Geauga SWCD or such other expert(s) retained by the board of township trustees.
- C. If land development or soil disturbing activities will occur within fifty (50) feet of the outer boundary of the applicable riparian setback as specified in these regulations, then prior to the initiation of any land development or soil disturbing activities, the riparian setback shall be clearly delineated on the affected lot by the owner with construction fencing as shown on the site plan and shall be maintained on the lot until the completion of such development or disturbance activities.

Section 1506.0: Permitted Buildings, Structures and Uses Within a Riparian Setback Without a Zoning Certificate

The following buildings, structures, uses, and related soil disturbing activities may be permitted within a riparian setback without a zoning certificate. Other uses not requiring a zoning certificate or conditional zoning certificate under this resolution may also be permitted in the riparian setback.

- A. Recreational Activities: Fishing, hunting, picnicking, picnic tables, trails, walkways, and paths for nonmotorized vehicles constructed of pervious materials.
- B. Removal of Damaged or Diseased Trees: Damaged or diseased trees and other associated debris may be removed.

- C. Maintenance and Repairs: Maintenance and repair on lawfully existing buildings, structures, and uses; roads; driveways; bridges; culverts; trails; walkways; paths; wastewater treatment plants and appurtenances; water wells; water treatment plants and appurtenances; storm sewers; and on-site sewage systems.
- D. Maintenance and Cultivation of Lawns and Landscaping: The maintenance of existing, and the cultivation of new, lawns, landscaping, shrubbery, and trees.
- E. Water Supply Wells: Water supply wells subject to the regulations enforced by the Geauga County General Health District or the Ohio EPA.
- F. Open Space: Passive open space to preserve the riparian setback area in its natural state.
- G. Composting: Composting of natural materials from the affected lot, not for commercial retail sale or use.
- H. On-site Sewage Systems and Waste Water Treatment Plants: On-site sewage systems and waste water treatment plants and appurtenances subject to the applicable regulations enforced by the Geauga County General Health District or the Ohio EPA. Proof of compliance with such regulations shall be required.
- I. Crossings: Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines (including sanitary sewer, water, septic system, storm sewer, electric, natural gas, telephone, and cable for television and other digital transmission), or other means may be permitted, subject to the other regulations contained in this resolution and the regulations enforced by the Geauga SWCD and the Geauga County Engineer. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the Zoning Inspector. Proof of compliance shall be the following:
 - 1. A site plan showing that any proposed crossing projects conforms to the general and special conditions of the applicable Nationwide Permit, or
 - 2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving the activities under the applicable Nationwide Permit, or
 - 3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

Section 1507.0: Permitted Buildings, Structures and Uses Within a Riparian Setback With a Zoning Certificate

The following buildings, structures, and uses may be permitted within a riparian setback, subject to the approval of an application for a zoning certificate by the zoning inspector and in accordance with the following regulations and such other applicable regulations contained in this zoning resolution.

- A. Streambank Stabilization Projects: Streambank stabilization projects along designated watercourses, subject to other regulations contained in this resolution and the regulations enforced by the Geauga SWCD. If streambank stabilization work is proposed below the ordinary high water mark of a designated watercourse, proof of compliance with the applicable conditions of U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall be provided to the zoning inspector. Proof of compliance shall be the following:
1. A site plan showing that any proposed project conforms to the general and special conditions of Nationwide Permit 13, or
 2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or
 3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.
- B. Signs: Signs in accordance with this zoning resolution.
- C. Fences and walls: Fences and walls in accordance with this zoning resolution.
- D. Boat ramps, decks, and docks.

Section 1508.0: Buildings, Structures and Uses Prohibited Within a Riparian Setback

Any building, structure, use, or related soil disturbing activity not permitted under this resolution shall be prohibited within a riparian setback. The following buildings, structures, and uses are specifically prohibited.

- A. Construction: There shall be no buildings, structures, uses, or related soil disturbing activities of any kind except as permitted under these regulations.
- B. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities.
- C. Roads and Driveways: There shall be no roads or driveways except as permitted under these regulations.

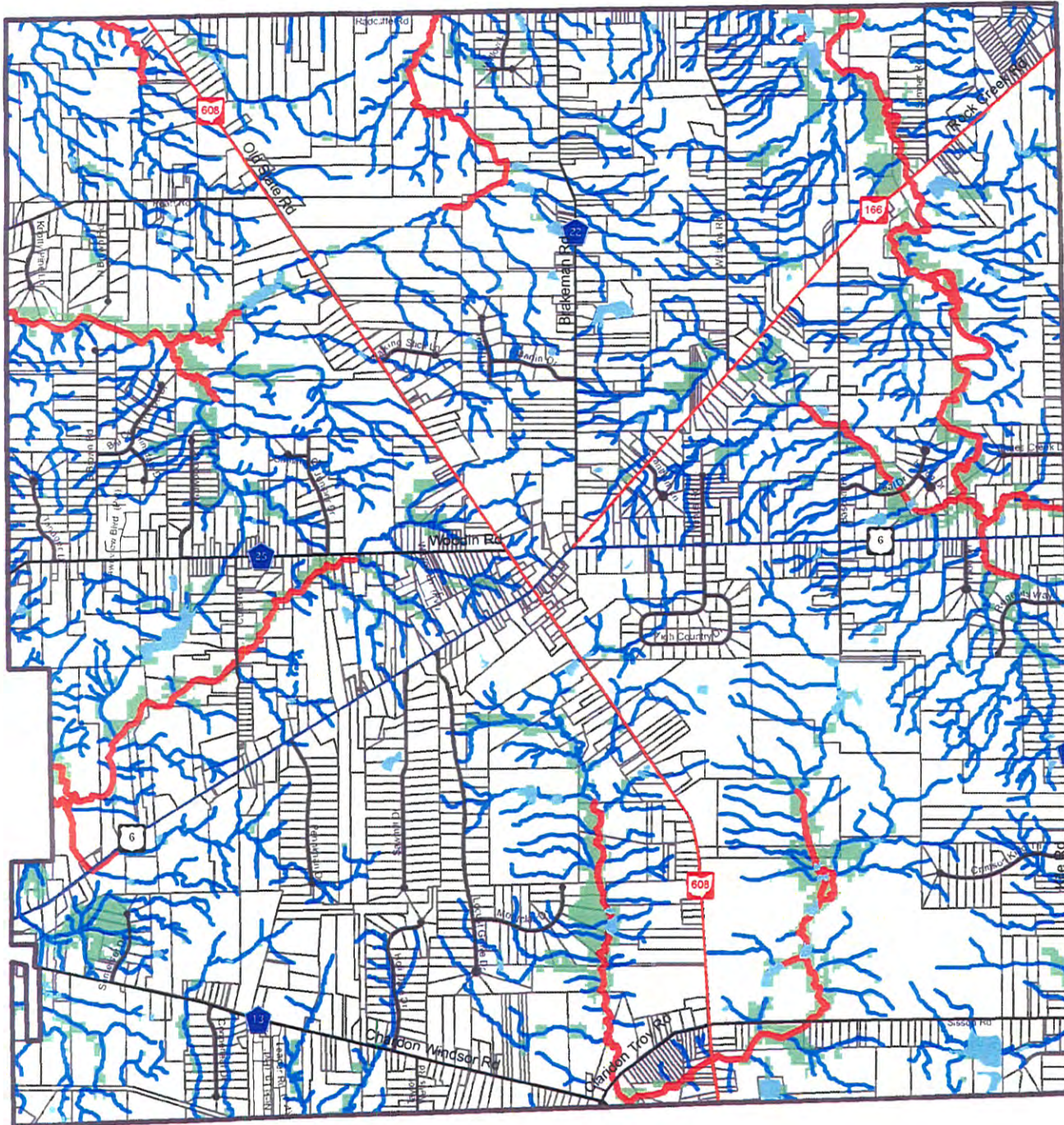
Section 1509.0: Inspections of Riparian Setbacks

The zoning inspector shall inspect the delineation of riparian setbacks.

- A. The owner shall notify the zoning inspector at least ten (10) working days prior to the initiation of any construction, land development or soil disturbing activities on a lot.
- B. The zoning inspector, with prior notice and the authorization of the owner, may enter the affected lot from time to time to conduct on-site inspections to ensure compliance with these regulations.

Hambden Township Geauga County, Ohio

Riparian Setback Guide Map Exhibit "A"



- Setbacks**
-  75 Feet
 -  25 Feet
 -  Wetlands
-  Surface Water


Adopted By The Hambden Township Board of Trustees
Pursuant to Amendment No. ZC-2011-4
This 15th Day of February, 2012

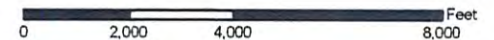

Edward Kaminski, Trustee


Nadine Pope, Trustee


Keith A. McClintock, Trustee

Effective The 16th Day of March, 2012


Laura Chorman, Fiscal Officer



Prepared by: Geauga County Planning Commission,
December 2005
Revised lot lines and roads August 2011
Source: Geauga County Auditor Orthophotography

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

ARTICLE XVI (Adopted 2-15-2012)

WATER MANAGEMENT AND SEDIMENT CONTROL (WMSC)

Section 1600.0: Purpose and Intent

- A. The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.
- B. These regulations are intended to:
 - 1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
 - 2. Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
- C. These regulations apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this zoning resolution, except as otherwise provided herein.

Section 1601.0: Words and Terms Defined

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

Section 1602.0: Requirements and Application Procedures

- A. Six (6) sets of a Water Management and Sediment Control (WMSC) Plan shall be included with the application for a zoning certificate for any of the principal permitted, accessory, or conditional buildings, structures, and uses or off-street parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto disturbing three hundred (300) square feet or more of land area on a lot or contiguous lots under the same ownership of record. A WMSC Plan must be submitted, reviewed and approved by the Geauga SWCD if one or more of the following conditions apply:
 - 1. If the disturbance (regardless of size) is planned on a subplot within a platted subdivision; or
 - 2. If one (1) acre (43,560 square feet) or more of land area will be disturbed on a lot or on contiguous lots under the same ownership of record.

- B. WMSC Plans are not required for any principal permitted, accessory, or conditional buildings, structures, or uses or off-street parking, loading/unloading areas allowed by this resolution or any additions or alterations thereto disturbing less than three hundred (300) square feet of land area on a lot or on contiguous lots under the same ownership of record, unless the disturbance is within a platted subdivision as set forth in paragraph (A) (1) hereinabove.
- C. The contents of the WMSC Plan shall meet all requirements and recommendations for erosion and sediment control and storm water management contained in the most recent version of the Geauga County Water Management and Sediment Control Regulations.
- D. If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency's (EPA) NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate WMSC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.
- E. The zoning inspector shall review the WMSC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within thirty (30) working days after receipt of the Plan. The zoning inspector may advise applicants to submit the WMSC Plan to the Geauga SWCD for review provided, however, if the disturbance falls within conditions set forth in paragraph (A) (1) or (A) (2) hereinabove, then the zoning inspector shall require an applicant for a zoning certificate or a conditional zoning certificate to submit the WMSC Plan to the Geauga SWCD for review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Geauga County Water Management and Sediment Control Regulations. At the time the zoning inspector receives a revised Plan, another thirty (30) day review period shall begin.
- F. Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without a WMSC Plan approved by the zoning inspector in accordance with these regulations or a copy of an approval letter or permit issued by the Geauga SWCD in accordance with the Geauga County WMSC Regulations that has been submitted with an application for a zoning certificate or a conditional zoning certificate.
- G. Any addition or alteration to the site design as shown on the approved WMSC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the zoning inspector may consult with the Geauga SWCD. The zoning inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

Section 1603.0: Compliance with State and Federal Regulations

- A. Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, and/or county agencies. Such permits and/or approvals shall be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail.

- B. Soil-disturbing activities regulated under these regulations shall not begin until proof of compliance with all necessary state and federal permits as detailed below has been provided. These permits may include, but are not limited to, the following:
1. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.
 2. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification approval, public notice, or a letter from a qualified professional who has surveyed the lot explaining why Section 401 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time an application is made under this regulation.
 3. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit approval or a letter from a qualified professional who has surveyed the lot explaining why the Ohio EPA Isolated Wetland Permit is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time an application is made under these regulations.
 4. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
 - a. A letter from a qualified professional who has surveyed the site explaining why Section 404 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector.
 - b. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations.
 5. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.