

MONTVILLE TOWNSHIP ZONING RESOLUTION

Originally Established

January 31, 1957

Amended

September 12, 1966

July 26, 1979

December 18, 2000

January 21, 2002

February 18, 2002

December 16, 2009

Amended 2011

November 3, 2016

Provided by
Montville Township Zoning Commission

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ARTICLE I
GENERAL PROVISIONS

Section 100.0 Title

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

Section 101.0 Jurisdiction

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

Section 102.0 Purpose of Zoning Resolution

Except as otherwise provided in this section, in the interest of the public health and safety, the board of township trustees may regulate by resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board by resolution, in accordance with the comprehensive plan, may regulate the location of, setback lines for, and the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other proposes in the unincorporated territory of the township may establish reasonable landscaping standards in the unincorporated territory of the township.

Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board may regulate by resolution, in accordance with the comprehensive plan, for nonresidential property only the height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, sizes of yards, courts, and other open spaces, and the density of population in the unincorporated territory of the township. For all these purposes, the board may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

Any activities permitted and regulated under Chapter 1513. or 1514. of the Revised Code and any related processing activities may be regulated only in the interest of public health or safety. Additional purposes of this resolution are:

- A. To divide the township into zoning districts and to provide uniform regulations for each class or kind of buildings, structures, and uses within such zoning districts.
- B. To regulate the location, height, bulk, number of stories, and size of buildings and other

structures and the percentage of lot coverage by buildings, structures, and impervious surfaces.

- C. To regulate building setback lines (yards) and other open spaces.
- D. To regulate the density of population by establishing minimum lot size, frontage, and width requirements in each zoning district.
- E. To regulate the use of buildings and structures in each zoning district and to ensure that appropriate utilities, sewage treatment and water supply facilities, and other matters related to public health and safety are adequately addressed to serve such uses.
- F. To conserve and protect the natural resources of the township, including the supply of groundwater.
- G. To ensure that development is in accord with the capability and suitability of the land to support it.
- H. To provide regulations that advance balanced and orderly growth and development in the township as well as preserve sensitive environmental resources.

Section 103.0 Provisions of Resolution Declared to be Minimum Requirements

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

Section 104.0 Powers Not Conferred by Chapter 519 of the Ohio Revised Code or this Resolution

- A. This resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure. However, this resolution shall regulate the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located in accordance with 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 fabrication plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901, 4903, 4905, 4909, 4921, and 4923 of the Revised Code.
- F. This resolution does not apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for that purpose, having wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) megawatts or more.
- G. Pursuant to O.R.C. Section 5502.031, this resolution does not preclude amateur radio service communications and does not restrict the height or location of amateur station antenna structures in such a way as to prevent effective amateur radio service communications and shall comply with 47 C.F.R. 97.15.

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

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

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

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

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

The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except 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

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

Section 108.0 Specific Provision Prevails Over General; Exception

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

Section 109.0 Irreconcilable Amendments

If amendments are enacted at the same or different times, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

Section 110.0 Continuation of Prior Amendment

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

Section 111.0 Effect of Amendment

The amendment of this resolution does not:

- A. Affect the prior operation of this resolution or any prior action taken thereunder;
- B. Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
- C. Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal;
- D. Affect any investigation, proceeding or remedy in respect 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

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

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.

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ARTICLE II
DEFINITIONS

Section 200.0 Interpretation of Terms and 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.

Section 201.0 Words and Terms Defined

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

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

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

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

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

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

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

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

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

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

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

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

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

"Building 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 (1) or a combination of more than one (1) of the following: a burial ground containing plots designated for earth interments or inurnments, a mausoleum for crypt entombments, or a columbarium for the deposit of cremated remains.

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

"Child day-care center" means any place in which child care or publicly funded child care is provided for thirteen (13) or more children at one (1) time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one (1) time and as defined in O. R.C. Section 5104.01 (K). In counting children for the purposes of this definition, any children under six (6)

years of age who are related to the licensee, administrator, or employee and who are on the premises of the center shall be counted.

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

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

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

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

"County" means Geauga County, Ohio.

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

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

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

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

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

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

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

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

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

"Dwelling unit" means space within a building comprising living and/or dining and sleeping rooms; and space for cooking, bathing and toilet facilities; all of which are used by only one (1) family for residential occupancy.

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

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

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

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

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

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

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

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

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

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

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

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

"Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four (24) hours a day and as defined in R.C. Section 5103.02 (D).

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

"Frontage" see lot line, front.

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

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

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

"Golf Course" means a tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course including a clubhouse and shelters as accessory uses.

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

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

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

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

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

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

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

"Industrialized unit" means a structure as defined in Ohio Revised Code Section 3781.06 (c) (3) for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62 (A).

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

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

"Junk vehicle" means any vehicle that meets all of the following criteria: It is (1) three (3) 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 the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover; and, may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, reflective pools, and fountains. Landscaping may also include other supportive elements such as irrigation systems, ponds, watercourses, mulch, topsoil, pavers, and decorative rock; and, the preservation, protection, or replacement of existing wetlands, trees, shrubs, and similar living plant material.

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

"Licensed residential facility" means a facility as defined in R.C. 5123.19 (A) (5) (a).

"Light trespass" means the light emitted by a lighting installation which falls outside the boundaries of the property on which the installation is sited.

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

"Lot" means a parcel of land which shall be a lot of record.

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

"Lot, coverage" means the percentage of the total lot area that is occupied by the total horizontal area of all buildings, driveways, loading/unloading spaces, parking area, and impervious cover on a lot.

"Lot, measurements" means 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 rear most 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.

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

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

"Lot line, front (frontage)" means the boundary of a lot which abuts a public or private road.

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

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

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

"Manufactured home" means a building unit or assembly of closed construction as defined in 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).

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

"Minerals" means substances or materials excavated from natural deposits on or in the earth.

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

as amended. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined in this resolution. A building or nonself-propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

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

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

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

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

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

"Office" means a building or part thereof within which administrative, clerical, and professional activities, sales and services are rendered.

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

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

"Outdoor wood-fired boiler (OWB)" means any equipment, device, appliance or apparatus or any part thereof which is installed and situated outside of the envelope for the building to be heated, for the primary purpose of combustion to produce heat energy or energy used as a component of a heating system providing heat for any interior space or water source. An OWB may also be referred to as an outdoor wood-fired furnace or an outdoor wood-fired hydronic heater. An OWB shall be a United States Environmental Protection Agency (USEPA) Outdoor Wood-fired Hydronic Heater (OWHH) Phase 2 Program qualified model that is in compliance with the USEPA OWHH Phase 2 emission level, and has the proper qualifying label and hangtag or any subsequent USEPA qualified model that is in compliance with the most current USEPA emission level.

"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.

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

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

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

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

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

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

"Private road" means a recorded easement as defined in the Geauga County Subdivision Regulations held by a private owner or established legal entity for private use as a road right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

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

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

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

A. Public Service

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

B. Public Concern

1. Is there concern for the indiscriminate treatment of those people who need and pay for the good or service? (For example, are prices fairly set?)

2. Is there a mechanism for controlling prices? (For example, does marketplace competition force providers to stay fairly priced?)

A "public utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility, that has been issued a permit under Chapter 3734. of the Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714. of the Revised Code.

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

"Recreational facilities" means and include but are not limited to public and private facilities open to the public which are used for golf courses, driving ranges, tennis courts, skating rinks, swimming pools, riding stables, riding trails for horses and bicycles, and fishing.

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

"Resort" means and include but are not limited to public and private facilities open to the public which are used for golf courses, driving ranges, tennis courts, skating rinks, swimming pools, riding stables, riding trails for horses and bicycles, and fishing.

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

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

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

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

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

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

"Self service storage facility" means a building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-service storage of personal property.

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

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

"Sewage system, on-site" means a septic tank or similar installation on an individual lot which provides for the treatment of sewage and disposal of the effluent.

"Sewers, central" means a sewage disposal system which provides a collection network and central treatment facility for more than one (1) dwelling or building, community or region subject to the approval of health and sanitation officials having jurisdiction.

"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.

"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.

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

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

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

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the surface of any floor and the ceiling next above it. A basement shall be deemed to be a story only when more than one-half (1/2) of its height is located above the finished grade level of the adjacent ground.

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

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

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

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

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

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

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

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

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

"Township" means Montville Township, Geauga County, Ohio.

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

"Type A family day-care home" and "Type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one (1) time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one (1) time if four (4) or more children at one (1) time are under two (2) years of age and as defined in O.R.C. Section 5104.01 (TT) . In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator or employee and who are on the premises of the Type A home shall be counted. "Type A day-care home" and "Type A home" do not include any child day camp as defined in O.R.C. Section 5104.01 (I).

"Type B family day-care home" and "Type B home" mean a permanent residence of the provider in which child care is provided for one (1) to six (6) children at one (1) time and in which no more than three (3) children are under two (2) years of age at one (1) time and as defined in O.R.C. Section 5104.01 (UU). In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. "Type B family day-care home" and "Type B home" do not include any child day camp as defined in O.R.C. Section 5104.01 (I).

"Variance" see Article X for definition, explanation and procedures.

"Vehicle" means anything that is or has been on wheels, runners or tracks.

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

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

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

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

"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.

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

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

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

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

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

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

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

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

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

"Zoning board of appeals" or "board of zoning appeals (BZA)" means the board of zoning appeals of the township.

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

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

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

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

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ARTICLE III

ZONING DISTRICTS AND OFFICIAL ZONING MAP

Section 300.0 Zoning Districts

Montville Township is hereby divided into four (4) zoning districts, which shall be designated as follows:

1. Commercial, which shall be designated as "C" district.
2. Industrial, which shall be designated as "I" district.
3. Active Park, which shall be designated as "P-2" district.
4. Residential, which shall be designated as "R-1" district.

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:

"C" Commercial District

"C" FIRST SECTION:

Situated in the Township of Montville, County of Geauga, State of Ohio, and bounded and described as follows;

Beginning at the centerline intersection on U.S. Route No. 6 (G.A.R. Highway) and Clay Street;

Thence, westerly, along the centerline of U.S. Route No. 6, a distance of 200 feet, by perpendicular measurement from the centerline of Clay Street, to a point. Said point being the Principal Place of Beginning of the land herein intended to be described;

Thence, in a northerly direction parallel to the centerline of Clay Street, to a point. Said point being 500 feet, by perpendicular measurement, from the centerline of U.S. Route No. 6;

Thence, in an easterly direction parallel to the centerline of U.S. Route No. 6, to a point being 500 feet north of the centerline of U.S. Route No. 6, by perpendicular measurement, from the centerline of U.S. Route No. 6. to a point lying on the east line of a parcel of land conveyed to Stanley D. and Marguerite Poropat as recorded in Vol. 523-pg. 466 of Geauga County Records of Deeds;

Thence, north west, along the east line of said Poropat land and passing along the east line of another parcel of land conveyed to Marguerite Poropat as recorded in Vol. 1111-pg. 1107 of the Geauga County Records of Deeds a distance of 1,366.55 feet to a point, said pint being the northwest corner of land conveyed to Ted A. Winters are recorded in Vol. 1306-pg. 0598 of the Geauga county Records of Deeds;

Thence, north east along the north line of said Winter's land a distance of 1226.59 feet to a point lying on the west line of a parcel of land conveyed to Richard E. Krayka as recorded in vol. 1096-pg. 1173 of the Geauga County Records of Deeds;

Thence, south east, along the west line of said Krayka land, and the west line of land conveyed to Emma L. Allen by deed recorded in Vol. 1313- pg. 16 of the Geauga County Records of Deeds a distance of 793.09 feet to a point;

Thence, south west, passing over a 5/8" rebar found at 458.11 feet, a distance of 698.11 feet to the northwest corner of a parcel of land conveyed to Ted A. Winters as recorded in Vol. 1126-pg. 617 of the Geauga Records of Deeds;

Thence, south east, along the west line of said Winter land a distance of 589.00 feet to a point, said point also being 500 feet north from the centerline of U.S. Route No. 6, by perpendicular measurement, from the centerline of U.S. Route No. 6;

Thence, in an easterly direction parallel to the centerline of U.S. Route 6, to a point in the centerline of Plank Road (S.R. 86);

Thence, northerly, along the centerline of Plank Road, to a point. Said point being the southern line, or its prolongation, of a parcel of land conveyed to L.D. & C. Ta as recorded in vol. 1150-pg. 585 of Geauga County Records of Deeds;

Thence, easterly, along the south line of said Ta land, to a point in the westerly line of a parcel of land conveyed to H.F. Hoffman, Jr. as recorded in Vol. 912-pg. 316 of Geauga County Records of Deeds; Said point also being the southeast corner of the aforementioned Ta land;

Thence, southerly, along the west line of said Hoffman land and continuing along the west line of a parcel of land conveyed to Geauga Holdings L.L.C. as recorded in vol. 1139-pgs. 873-885 (parcel #6) in Geauga County Records of Deeds, to a point. Said point being 500 feet northerly, by perpendicular measurement, from the centerline of U.S. Route No. 6;

Thence, in an easterly direction parallel to the centerline of U.S. Route No. 6, to a point 500 feet westerly, by perpendicular measurement, from the centerline of S.R. 528 (Madison Road);

Thence, in a northerly direction parallel to the centerline of S.R. 528, to a point lying in the westerly prolongation of the north line of a parcel of land conveyed to Montville Township Trustees as recorded in vol. 35-pg. 3 of Geauga County Records of Deeds and being set aside for cemetery purposes;

Thence, easterly, along the prolongation of said north line and continuing along the north line of said land owned by Montville Township Trustees, to a point in the centerline of S.R. 528;

Thence, southerly, along the centerline of S.R. 528, to the north line, or its prolongation, of a parcel of land conveyed to the Methodist Episcopal Church as recorded in vol. 32-pg. 285 of Geauga County Records of Deeds. Said point also intersecting the south line, or its prolongation, of a parcel of land conveyed to Montville Volunteer Fire Department as recorded in vol. 538-pg. 430 of Geauga County Records of Deeds;

Thence, easterly, along the south line of said Montville Volunteer Fire Department land to a point which is 500 feet easterly, by perpendicular measurement, from the centerline of S.R. 528.

Said point also lying in the north line of a parcel of land conveyed to Montville Community Church of Christ as recorded in vol. 508-pg. 834 of Geauga County Records of Deeds;

Thence, in a southerly direction parallel to the centerline of S.R. 528, to a point which is a distance of 500 feet northerly, by perpendicular measurement, from the centerline of U.S. Route No. 6;

Thence, in an easterly direction parallel to the centerline of U.S. Route No. 6, to a point in the centerline of Morgan Road;

Thence, Southerly, along the centerline of Morgan Road, to the centerline intersection of U.S. Route No. 6;

Thence, along the centerline of U.S. Route No. 6, to the westerly line, or its prolongation, of a parcel of land conveyed to R.D. Evans, et. al. as recorded in vol. 1008-pg. 1317 of Geauga County Records of Deeds;

Thence, southerly, along the westerly line of said Evans land, to a point which is 500 feet, by perpendicular measurement, from the centerline of U.S. Route No. 6;

Thence, in a westerly direction parallel to the centerline of U.S. Route No. 6, to a point in the centerline of S.R. 528 at the easterly line of land conveyed to F.J. Alaqua and J.C. Pastolic as recorded in vol. 1220-pg. 1069 of Geauga County Records of Deeds (ppn 20-045000)

Thence, southerly, along the easterly line of land conveyed to F.J. Alaqua and J.C. Pastolic a distance of 72 feet to a point which is the southeasterly corner of land conveyed to F.J. Alaqua and J.C. Pastolic

Thence, westerly, along the southerly line of land conveyed to F.J. Alaqua and J.C. Pastolic a distance of 243 feet to a point which is the southwesterly corner of land conveyed to F.J. Alaqua and J.C. Pastolic

Thence, northerly, along the westerly line of land conveyed to F.J. Alaqua and J.C. Pastolic a distance of 72 feet to a point that is 500 feet by perpendicular measurement from the centerline of U.S. Route No. 6 thence continuing in a westerly direction parallel to the centerline of U.S. Route 6 to a point in the centerline of S.R. 528

Thence, continuing westerly, parallel to the centerline of U.S. Route 6 to the intersection of the westerly line of a parcel of land conveyed to A. Ball as recorded in vol. 752-pg. 133 of Geauga County Records of Deeds;

Thence, northerly, along the westerly line of the aforementioned Ball land, to the centerline of U.S. Route No. 6;

Thence, westerly, along the centerline of U.S. Route No. 6, to the westerly line, or its prolongation, of a parcel of land conveyed to Geauga Holdings L.L.C. as recorded in vol. 1139-pg. 873 (parcel #8) of Geauga County Records of Deeds;

Thence, southerly, along the westerly line of said Geauga Holdings L.L.C. land, to the northeast corner of a 0.37 acre parcel of land conveyed to J.P. and J.E. Bolan as recorded in vol. 667-pgs. 335-338 of Geauga County Records of Deeds;

Thence, westerly, along the northerly line of said Bolan land, to a point in the eastern line of a 0.84 acre parcel of land conveyed to J.R. and J.E. Bolan as recorded in vol. 667-pgs. 335-338 of Geauga County Records of Deeds;

Thence, northerly, along the eastern line of said Bolan land and continuing along the eastern line of a parcel of land conveyed to Montville Holdings Corporation as recorded in vol. 998-pg. 97 of Geauga County Records of Deeds, to the centerline of U.S. Route No. 6;

Thence, westerly, along the centerline of U.S. Route No. 6, to the centerline intersection Plank Road (S.R. 86);

Thence, southerly, along the centerline of Plank Road to a point which is 500 feet, by perpendicular measurement, from the centerline of U.S. Route No. 6;

Thence, in a westerly direction parallel to the centerline of U.S. Route No. 6, to a point which is 200 feet westerly, by perpendicular measurement, from the centerline of Clay Street;

Thence, in a northerly direction parallel to the centerline of Clay Street, to the Principal Place of Beginning.

“C” SECOND SECTION:

Situated in the Township of Montville, County of Geauga, State of Ohio, and bounded and described as follows;

Beginning at the centerline intersection of S.R. 528 (Madison Road), and Whitney Road;

Thence, northerly, along the centerline of S.R. 528, to the centerline intersection of Plank Road (S.R. 86) and S.R. 528;

Thence, southwestery, along the centerline of Plank Road, to the centerline intersection of Whitney Road;

Thence, westerly, along the centerline of Whitney Road, to the place of beginning.

“C” THIRD SECTION:

Situated in the Township of Montville, County of Geauga, State of Ohio, and bounded and described as follows;

Beginning at the centerline of Plank Road (S.R. 86) and the Township Line dividing Montville and Huntsburg Townships;

Thence, northwestery, along the centerline of Plank Road, to the southern line, or its prolongation, of a parcel of land conveyed to L. Drotos as recorded in Vol. 1218-pg. 735 of Geauga County Records of Deeds and also being the northern line, or its prolongation, of a parcel of land conveyed to K. and J. Properties, Inc. as recorded in vol. 970-pg. 555 of Geauga County Records of Deeds. Said point being the Principal Place of Beginning for the land herein intended to be described;

Thence, easterly, along the south line of said Drotos land and continuing along the southern line of a 14.78 acre parcel of land conveyed to W.R. Kimak as recorded in vol. 559-pg. 408 of Geauga County Records of Deeds to a point. Said point also being the northeast corner of the aforementioned K. and J. Properties, Inc. land;

Thence, southerly, along the eastern line of said K. and J. Properties, Inc. land, to a point intersecting the northern line of a parcel of land conveyed to Pine Brook Properties, Inc. (parcel #2) as recorded in vol. 1193-pg. 1171 of Geauga County Records of Deeds;

Thence, westerly, along the north lines of lands conveyed to Pine Brook Properties, Inc. (parcel #1 and parcel #2) and continuing along the northern line of a parcel of land conveyed to M.S. and S.A. Dinishak as recorded in vol. 954-pg. 53 of Geauga County Records of Deeds, to the centerline of Plank Road;

Thence, northwesterly, along the centerline of Plank Road, to the Principal Place of Beginning.

“C” FOURTH SECTION:

Situated in the Township of Montville, County of Geauga, State of Ohio, and bounded and described as follows;

Beginning at the centerline intersection of Kile Road and U.S. Route No. 6;

Thence, easterly, along the centerline of U.S. Route No. 6, a distance of 606.67 feet to a point. Said point being the Principal Place of Beginning for the land herein intended to be described;

Thence, northerly, perpendicular to the centerline of U.S. Route No. 6, to the southerly line of a 3.52 acre parcel of land conveyed to B. A. and B.M. Brcak as recorded in Vol. 913-pg. 486 of Geauga County Records of Deeds;

Thence, easterly along the southerly line of the aforesaid B.A. and B.M. Brcak property to the southeast corner thereof and the westerly corner of a 2.65 acre parcel of land conveyed to C. and J. Brcak by deed recorded in vol. 844-pg. 1000 of Geauga County Records of Deeds;

Thence, northerly along the easterly line of the aforesaid B.A. and B.M. Brcak property and the westerly line of the aforesaid C. and J. Brcak property and the southerly line of a parcel of land conveyed to M. and C. Knowlton by deed recorded in vol. 734-pg. 141 of Geauga County Records of Deeds;

Thence, easterly along the southerly line of the aforesaid Knowlton property to the northeast corner of a parcel of land conveyed to W.H. and T.E. Detling as recorded in vol. 984-pg. 1115;

Thence, southerly along the easterly line of the aforesaid Detling property to the centerline of U.S. Route No. 6;

Thence, westerly along the centerline of U.S. Route No. 6 to the Principal Place of Beginning.

“C” FIFTH SECTION:

Situated in the Township of Montville, County of Geauga, State of Ohio, and known as being a part of Section 3; further bounded and described as follows;

Beginning at the centerline intersection of Burrows Road and S.R. 528 (Madison Road);

Thence, easterly, along the centerline of Burrows Road, to the western line, or its prolongation, of a parcel of land conveyed to B. Brininger as recorded in vol. 982-pg. 804 of Geauga County Records of Deeds;

Thence, Southerly, along the western line of said B. Brininger land, to the intersection of the northern line of a parcel of land conveyed to T.J. and D.M. Grover as recorded in vol. 866-pg. 1199 of Geauga County Records of Deeds;

Thence, westerly, along the northern line of said Grover land, to the centerline of S.R. 528;

Thence, northerly, along the centerline of S.R. 528 to the Place of Beginning.

EXEMPT THE FOLLOWING PARCEL FOR "C"

Situated in the Township of Montville, County of Geauga, State of Ohio, and bounded and described as follows;

Beginning at a monument box at the intersection of Madison Road and G.A.R. Highway (U.S Route No. 6;

Thence South east, along the center line of said G.A.R. Highway, 2571.72 feet to a point at the northeast corner of a parcel of land conveyed to Andrew P. Rellick and Andrea Johnston as recorded in Vol. 1088-pg. 1 of Geauga County Records of Deeds;

Thence continuing along the centerline of said U.S. Route No. 6, South 85° 44' 50" East, 196.12 feet to a point at the northwest corner of a parcel of land conveyed to Frank J. Alaqua and JaniceC. Patsolic by deed recorded in Vol. 1220-pg.1069 of Geauga County Records;

Thence South 04° 15' 10" West, along said Alaqua's and Patsolic's west line, 572.00 feet to a point at said Alaqua's and Patsolic's southwest corner, (witness a 5/8" iron pin found bent 0.18 feet south and 0.06 feet East, (I.D. Kosie);

Thence South 85° 44' 50" East, along said Alaqua's and Patsolic's south line, 243.00 feet to 5/8" iron pin found, (I.D. Kosie) at said Alaqua's and Patsolic's southeast corner;

Thence North 04° 15' 10" East, along said Alaqua's and Patsolic's east line, 572.00 feet to a point in the centerline of said G.A.R. Highway and said Alaqua's and Patsolic's northeast corner;

Thence South 85° 44' 50" East, along said centerline, 334.79 feet to a point at the northwest corner of a parcel of land conveyed to Joel L. and Linda M. Cook by deed recorded in Vol. 1460-pg. 732 of Geauga County Records;

Thence South 04° 15' 10" West, along said Cook's west line, 2389.20 feet (and passing through a 5/8" iron pin found at 30.00 feet, ID Gutoskey P.S> 7567), to a 5/8" iron pin found. (I.D. Gutoskey P.S. 7567), in the north line of a parcel of land conveyed to The Euclid Rifle and Hunting Club., Inc. by deed recorded in Vol. 907-pg. 542 of Geauga County Records;

Thence North 86° 09' 41" West, along the north line of said Euclid Rifle, 737.45 feet to a 3/4" iron pin found at the southeast corner of a parcel of land conveyed to Craig Stout and Anne Myers by deed recorded in Vol. 1433-pg. 114 of Geauga County Records;

Thence North 03° 22' 47" East, along said Stout's and Myers' east line, the east line of an additional parcel of land conveyed to said Stout and Myers, by deed recorded in Vol. 1116-pg. 1150 of Geauga County Records, the east line of a parcel of land conveyed to Meier Family Trust by deed recorded in Vol. 912-pg. 1159 of Geauga County Records and the east line of said Rellick and Johnston, 2394.18 feet to the Principal Place of Beginning and containing 38.3038 acres of land as surveyed and described in September, 2002, by Joseph Gutoskey P.S. 7567, be the same more or less, but subject to all legal highways. Bearings used herein are to an assumed meridian and intended to indicate angles only.

"I" Industrial District

"I" FIRST SECTION:

Situated in the Township of Montville, County of Geauga, State of Ohio, and bounded and described as follows;

Beginning at the centerline intersection of Clay Street and Hart Road;

Thence, southerly, along the centerline of Clay Street, a distance of 1120 feet to a point;

Thence, westerly, along a line parallel to the centerline of Hart Road, a distance of 500 feet by perpendicular measurement from the centerline of Clay Street;

Thence, southerly, along a line parallel to the centerline of Clay Street, a distance of 500 feet to a point;

Thence, easterly, parallel to the centerline of Hart Road, to the centerline of Clay Street;

Thence, northerly, along the centerline of Clay Street, to the point of beginning.

"I" SECOND SECTION:

Situated in the Township of Montville, County of Geauga, State of Ohio, and bounded and described as follows;

Beginning at the centerline intersection of U.S. Route No. 6 and Plank Road (S.R. 86);

Thence, easterly, along the centerline of U.S. Route No. 6, to the western line, or its prolongation, of a parcel of land conveyed to J. H. and P., Inc. as recorded in vol. 552-pg. 576 of Geauga County Records of Deeds;

Thence, southerly, along the western line of said J.H. and P., Inc. land, to the southwestern corner of said J.H. and P., Inc. land. Said point also being the northwestern corner of a 0.37 acre parcel of land conveyed to J.P. and J.E. Bolan as recorded in vol. 677-pg. 335 of Geauga County Records of Deeds;

Thence, easterly, along the northern line of said Bolan land, to the northeastern corner of said Bolan land. Said point also intersecting the western line of a parcel of land conveyed to Geauga Holdings L.L.C. (parcel #8) as recorded in vol. 1139-pg. 873 of Geauga County Records of Deeds;

Thence, northerly, along the western line of said Geauga Holdings L.L.C. land, to the centerline of U.S. Route No. 6;

Thence, easterly, along the centerline of U.S. Route No. 6, to the western line, or its prolongation, of a parcel of land conveyed to A. Ball as recorded in vol. 752-pg. 133 of Geauga County Records of Deeds;

Thence, southerly, along the western line of said Ball land, to the southwest corner of said Ball land. Said point also intersecting the northern line of a parcel of land conveyed to R. and B. Townsend as recorded in vol. 601-pg. 910 of Geauga County Records of Deeds;
Thence, westerly, along the northern line of said Townsend land, to the southeastern corner of a parcel of land conveyed to R. and T.L. Breunig as recorded in vol. 979-pg. 1050 of Geauga County Records of Deeds;

Thence, northerly, along the eastern line of said Breunig land, to the northeastern corner of said Breunig land. Said point also intersecting the southern line of a parcel of land conveyed to J. P. and J.E. Bolan as recorded in vol. 552-pg. 728 of Geauga County Records of Deeds;

Thence, westerly, along the southern line of said Bolan land, to the centerline of Plank Road;

Thence, northerly, along the centerline of Plank Road, to the place of beginning.

“I” THIRD SECTION:

Situated in the Township of Montville, County of Geauga, State of Ohio, and known as a part of Section 8 and bounded and described as follows;

Beginning at the centerline intersection of S.R. 528 and Hart Road;

Thence, southerly, along the centerline of S.R. 528 to the southern line, or its prolongation, of a parcel of land conveyed to S.A. Abbe as recorded in vol. 1164-pg. 580 of Geauga County Records of Deeds. Said point also being the intersection of the northern line, or its prolongation, of a parcel of land conveyed to R. and M. DiFranco as recorded in vol. 735-pg. 93 of Geauga County Records of Deeds. Said point being the Principal Place of Beginning for the land herein intended to be described;

Thence, easterly, along the northern line of said DiFranco land and along the southern line of said Abbe land and continuing along the southern line of a parcel of land conveyed to Greater Management Trust Enterprise as recorded in vol. 1086-pg. 745 of Geauga County Records of Deeds and continuing along a southern line of land conveyed to Happy Hunting Ground L.T.D. Enterprise as recorded in vol. 1163-pg. 1007 (parcel #2) of Geauga County Records of Deeds, to a point. Said point being the northeast corner of said DiFranco land;

Thence, southerly, along the east line of said DiFranco land, to a point in the northern line of a parcel of land conveyed to L.R. an E.E. Schutrum as recorded in Vol. 1126-pg. 1035 (parcel #2)

of Geauga County Records of Deeds. Said point being the southeast corner of said DiFranco land;

Thence westerly, along the north line of said Schutrum land (parcel #2) and continuing along the north line of a parcel of land conveyed to J. and L. Petersen as recorded in vol. 647-pg. 80 of Geauga County Records of Deeds, to the centerline of S.R. 528;

Thence, northerly, along the centerline of S.R. 528, to the Principal Place of Beginning.

"P-2" Active Park District

"P-2" FIRST SECTION:

Situated in the Township of Montville, County of Geauga, State of Ohio, and bounded and described as follows;

Beginning at a monument box at the intersection of Madison Road and G.A.R. Highway (U.S Route No. 6;

Thence South east, along the center line of said G.A.R. Highway, 2571.72 feet to a point at the northeast corner of a parcel of land conveyed to Andrew P. Rellick and Andrea Johnston as recorded in Vol. 1088-pg. 1 of Geauga County Records of Deeds;

Thence continuing along the centerline of said U.S. Route No. 6, South 85° 44' 50" East, 196.12 feet to a point at the northwest corner of a parcel of land conveyed to Frank J. Alaqua and Janice C. Patsolic by deed recorded in Vol. 1220-pg.1069 of Geauga County Records;

Thence South 04° 15' 10" West, along said Alaqua's and Patsolic's west line, 572.00 feet to a point at said Alaqua's and Patsolic's southwest corner, (witness a 5/8" iron pin found bent 0 .18 feet south and 0.06 feet East, (I.D. Kosie);

Thence South 85° 44' 50" East, along said Alaqua's and Patsolic's south line, 243.00 feet to 5/8" iron pin found, (I.D. Kosie) at said Alaqua's and Patsolic's southeast corner;

Thence North 04° 15' 10" East, along said Alaqua's and Patsolic's east line, 572.00 feet to a point in the centerline of said G.A.R. Highway and said Alaqua's and Patsolic's northeast corner;

Thence South 85° 44' 50" East, along said centerline, 334.79 feet to a point at the northwest corner of a parcel of land conveyed to Joel L. and Linda M. Cook by deed recorded in Vol. 1460-pg. 732 of Geauga County Records;

Thence South 04° 15' 10" West, along said Cook's west line, 2389.20 feet (and passing through a 5/8" iron pin found at 30.00 feet, ID Gutoskey P.S> 7567), to a 5/8" iron pin found. (I.D. Gutoskey P.S. 7567), in the north line of a parcel of land conveyed to The Euclid Rifle and Hunting Club., Inc. by deed recorded in Vol. 907-pg. 542 of Geauga County Records;

Thence North 86° 09' 41" West, along the north line of said Euclid Rifle, 737.45 feet to a 3/4" iron pin found at the southeast corner of a parcel of land conveyed to Craig Stout and Anne Myers by deed recorded in Vol. 1433-pg. 114 of Geauga County Records;

Thence North 03° 22' 47" East, along said Stout's and Myers' east line, the east line of an additional parcel of land conveyed to said Stout and Myers, by deed recorded in Vol. 1116-pg. 1150 of Geauga County Records, the east line of a parcel of land conveyed to Meier Family Trust by deed recorded in Vol. 912-pg. 1159 of Geauga County Records and the east line of said Rellick and Johnston, 2394.18 feet to the Principal Place of Beginning and containing 38.3038 acres of land as surveyed and described in September, 2002, by Joseph Gutoskey P.S. 7567, be the same more or less, but subject to all legal highways. Bearings used herein are to an assumed meridian and intended to indicate angles only.

"R-1" Residential District

The balance of the township, exclusive of the "C" and "I" districts described herein, shall be within the "R-1" Residential district.

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 a part of this resolution.

In the event of discrepancies between the zoning map and the legal description of each zoning district as provided in section 300.1, 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 fiscal officer together with the date of its' adoption and the effective date.

Section 301.1 Location of the Official Zoning Map

The official township zoning map shall be located in the office of the fiscal officer, who shall be responsible for it's' custody and safe-keeping and shall not be removed there from except by township officials for the purpose of conducting township business.

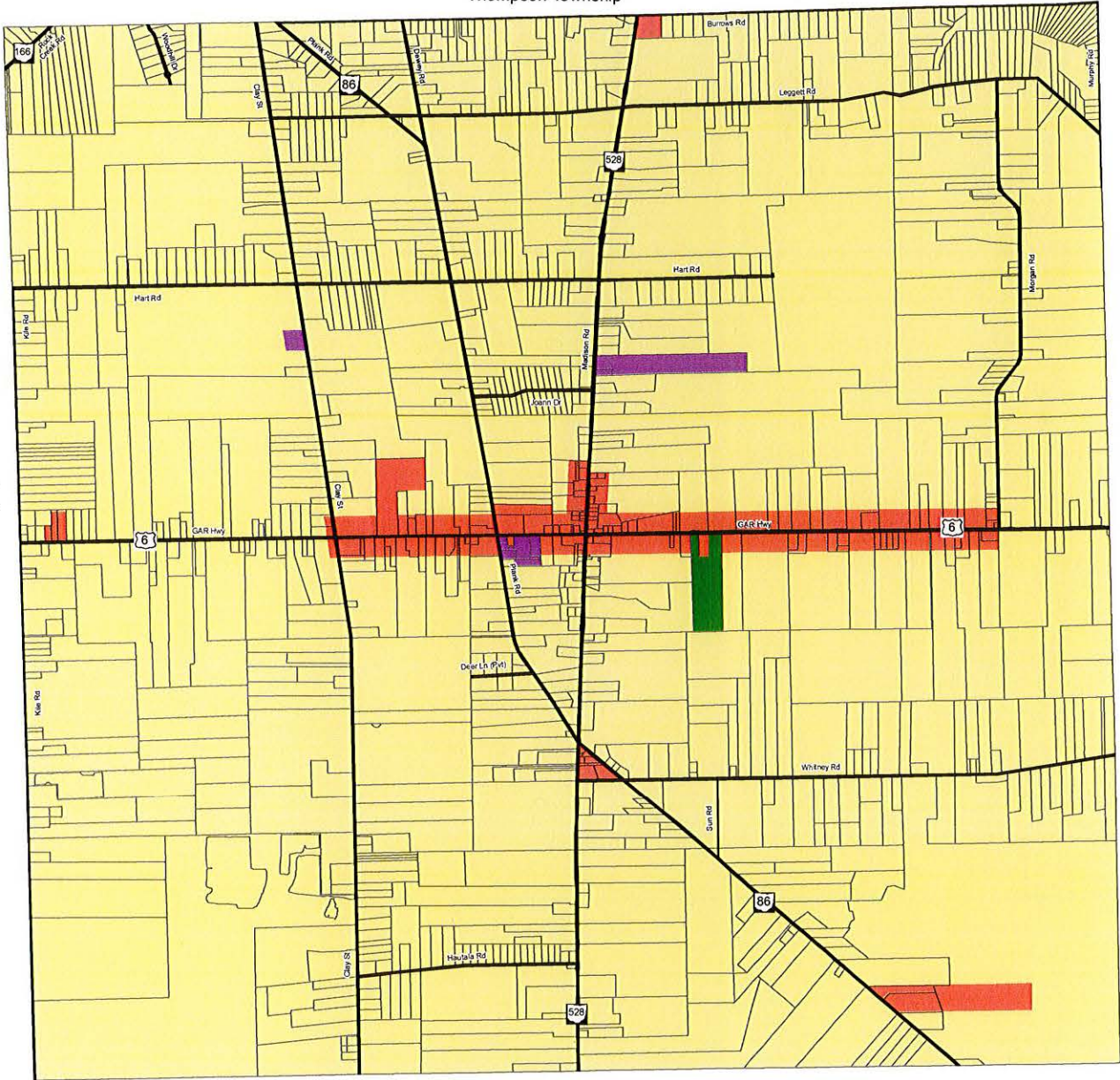
Section 301.2 Amendments to the Official Zoning Map

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 township zoning map which shall be identified by the signatures of the township trustees and attested to by the fiscal officer together with the date of its adoption and its effective date. Said map shall be located in the office of the 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.

Thompson Township

COUNTY

ASHTABULA



Hambden Township

Huntsburg Township

Zoning Districts

- R-1: Residential
- C: Commercial
- I: Industrial
- P-2: Active Park

Montville Township Zoning Map



Amendment No. 2011-1 and 2011-2 is hereby Adopted by the Montville Township Board of Trustees this 5th Day of December, 2011.

Alexa Holbert
Randal Peterson
Jim Marsic

Effective the 4th Day of January, 2012.

Sarah McDonald, Fiscal Officer

Lot Lines and Roads Updated This 2nd Day of

February 2016

[Signature]
Frank Antenucci, Trustee

[Signature]
Randal Peterson, Trustee

[Signature]
Jim Marsic, Trustee

[Signature]
Sarah McDonald, Fiscal Officer

Prepared by the Geauga County Planning Commission, May 1993.
Revised: March 1998, September 1999, November 2000, September 2011.
Lot Lines and Roads Revised March 2008, September 2011, January 2016.

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

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ARTICLE IV
DISTRICT REGULATIONS

Section 400.0 General

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

Section 401.0 Prohibited Uses in All Zoning Districts

- A. Any use not specifically listed in this resolution shall not be permitted nor shall any zoning certificate be issued therefor, 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.
- B. The following uses shall be prohibited in any residential, commercial or industrial district:
 - 1. Amusement arcade
 - 2. Brewery
 - 3. Metallic powder works
 - 4. Bulk petroleum station with tanks above ground
 - 5. Chemical plant
 - 6. Crematory
 - 7. Distilling of bones, fat or glue or gelatin manufacturing
 - 8. Manufacturing of or storage of explosives, gunpowder or fireworks.
 - 9. Dumping, storing, burying, reducing, disposing of or incineration of garbage, refuse, scrap metal, rubbish or dead animals or hazardous or infectious waste.
 - 10. Junk yards, automobile graveyards, automotive wrecking or places for the collection of scrap metal, paper, bags, glass or junk for salvage storage purposes. No junk vehicle, as defined herein, including an unlicensed collector's vehicle shall be stored or located outside of a fully enclosed fence or building so as to conceal it from view.
 - 11. Outdoor theaters
 - 12. Slaughter houses
 - 13. Mobile homes
 - 14. Solid waste facilities, solid waste transfer facilities, and construction and demolition debris facilities
 - 15. Basements, wholly or partially below grade, or garages for dwelling purposes.
 - 16. Gun clubs and competitive use of firearms
 - 17. Lighting fixtures and devices from which direct glare is visible on adjoining roads or lots including flashing lights
 - 18. Trucks, trailers, and other vehicles for temporary or permanent storage of materials, supplies or merchandise of any type on a lot.
 - 19. Manufactured home parks

20. Harboring, maintaining or controlling wild, dangerous or undomesticated animals. A "wild, dangerous or undomesticated animal" means an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:
- a. Is a poisonous or venomous animal or snake, or a snake that is a constrictor;
 - b. Is an omnivorous or carnivorous animal weighing more than twenty (20) pounds and which is a predator in its natural habitat;
 - c. Is an animal which, by reason of its size, strength or appetite, if unrestrained and free in the township, could cause peril to persons, pets or other domesticated animals, buildings, landscaping or personal property.
 - d. Is, by illustration, and without limitation to the following: a lion, tiger, lynx, mountain lion, jaguar, cheetah, bear, leopard, panther, wolverine, elk, moose, caribou, boar, elephant, giraffe, rhinoceros, hippopotamus, wild ox, wolf, crocodile, alligator, caiman, gavial, hyena, gorilla, or coyote.

Section 402.0 R-1: Residential District

Section 402.1 Permitted Principal Buildings, Structures and Uses

- A. Cemeteries
- B. Certified foster homes
- C. Churches
- D. Governmental offices
- E. Licensed residential facility subject to the regulations set forth in Section 402.12
- F. Police and fire stations
- G. Public parks owned or leased by a political subdivision of the state of Ohio
- H. Schools
- I. Single family detached dwellings, including industrialized units and manufactured homes subject to the regulations set forth in Section 402.11. There shall be no more than one (1) single family detached dwelling on a lot.

Section 402.2 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. The following are a list of permitted accessory buildings, structures and uses that require a zoning certificate and must conform to 402.6 except as may otherwise be provided herein.

1. Private garages designed and used for the storage of motor vehicles owned and/or operated by the occupants of the principal building or structure.
2. Signs in accordance with Article VII.
3. Swimming pools in accordance with the following regulations:
 - a. A Zoning certificate shall be required for the construction of an above or inground pool one hundred (100) feet or larger in perimeter.
 - b. A swimming pool shall be used solely by the occupants of the principal use or their guests of the property on which it is located.
 - c. A swimming pool shall not be located closer than twenty-five (25) feet to any lot line.
 - d. An inground swimming pool shall be completely enclosed by a locked gated fence or wall at least four (4) feet in height and not less than six (6) feet from the perimeter of the pool.
4. Ponds/Lakes - A zoning certificate shall be required for the construction of a pond, lake or dam. The applicant should contact the Geauga Soil and Water Conservation District office for on-site recommendations of construction and location of proposed ponds, lakes and dams. The zoning inspector shall refer a copy of each application to the Montville Township fire department concerning the need for installation of a dry hydrant and the specifications of the same. A pond, lake or dam shall be a minimum of fifty (50) feet from any lot line.
5. Storage buildings, sheds, and barns that exceed two hundred (200) square feet in gross floor area.
6. Porches and decks with or without a roof that exceed one hundred fifty (150) square feet and shall not project into the minimum front, side or rear yard.
7. Freestanding solar panels and solar panel arrays in accordance with the following regulations:
 - a. Location: Shall not be located in front of the principal building and shall not project past the width of the principal building.
 - b. Minimum setbacks: Shall be setback from all lot lines as follows:
 1. Front: 100 feet
 2. Side: 25 feet
 3. Rear: 25 feet

- c. Height: Maximum height shall be thirty-five (35) 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.
 - d. Lot coverage: Maximum lot coverage shall be forty percent (40%), measured as the area of the face of the solar panels and added to the lot coverage in conjunction with all building/structures existing on the lot.
 - e. Glare: Shall not be positioned so as to create glare on to adjacent rads or buildings on adjacent lots.
 - f. Other codes: Shall be installed in accordance with all applicable building and electrical codes.
 - g. 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 one (1) square foot.
 - h. Other regulations: Shall be in accordance with all other applicable regulations for the zoning district in which located.
8. Wind Energy Conversion Systems (WECS), whether freestanding or mounted to a building, shall be permitted and shall be subject to the following regulations:
- a. Accessory use: A WECS shall be classified as an accessory use on a lot.
 - b. Connection: A WECS shall have an electrical connection to the principal building, structure, or use on the same lot on which it is located and may be connected to other accessory buildings, structures, or uses plus the electrical power grid utilized by the utility company.
 - c. Minimum lot area: The minimum lot area for a WECS shall be three (3) acres.
 - d. Number: There shall be no more than one (1) WECS on a lot.
 - e. Minimum setback from lot lines: A WECS tower shall be setback a minimum distance equal to 1.5 times its total height measured from all lot lines. Total height shall mean the vertical distance measured from the finished grade level at the base of the tower to the tip of the wind turbine blade or airfoil at its highest point. A WECS tower shall not have guy wires attached to it and shall be of monopole construction only. Lattice towers are prohibited.
 - f. Minimum setback from public buildings and uses: A WECS tower shall be setback a minimum of 1.5 times its total height from public buildings and uses.
 - g. Location on lot: A WECS shall not be located in front of the principal building on a lot.

- h. Clearance: No portion of a WECS including blades shall extend within thirty-five (35) feet of the ground. No portion of a WECS may extend over parking areas, driveways, or overhead utility lines.
- i. Climb prevention: A WECS tower shall not have climbing rungs within twenty (20) feet of the ground.
- j. Lighting: A WECS shall not be artificially lighted unless required by Federal Aviation Administration (FAA) regulations.
- k. Signage: No signs shall be attached or painted on a WECS except identification signage related to the manufacturer, installer, and owner and high voltage warning signage. Such signage shall be a maximum total sign face area of six (6) square feet and shall not be lighted.
- l. Wiring: All wiring from a WECS to any buildings, structures or connections shall be underground.
- m. Color: If painted, a WECS shall be a non-reflective neutral color.
- n. Maintenance: A WECS shall be maintained in working condition at all times, shall be structurally sound and free of surface defects.
- o. Compliance with other regulations: The owner shall be responsible to secure any necessary approvals and inspections from other applicable departments and agencies; including but not limited to, the county building department, the fire department, and the FAA.
- p. Over-speed controls: A WECS shall be equipped with manual and automatic over-speed controls to retain blade rotation speed within design limits.
- q. Maximum height: The maximum height of a WECS shall be eighty (80) feet measured vertically from the finished grade level at the base of the WECS tower to the tip of the blade or airfoil at its highest point.
- r. Engineering study: A written engineering study by a qualified consultant retained by the owner that analyzes the potential effects of a WECS on the public safety microwave network maintained by the Geauga County Sheriff's office may be required. Said study shall be submitted to the Radio System Coordinator, Geauga County Sheriff's office, for review. A WECS shall not obstruct or otherwise detrimentally impact the radio signal and operation of the Geauga County public safety microwave network.
- s. Mounting on a building: If mounted to a building other than a tower, a WECS shall comply with all of the applicable regulations set forth herein.
- t. Design: The tower and foundation design shall be shall be certified by a registered professional engineer in the state of Ohio.
- u. Application and site plan: A site plan drawn to scale shall be required and shall depict all of the items necessary to ensure compliance with all of the

conditions set forth herein. Specific information on the type, size, rotor material, rated power output, performance, safety, and noise characteristics of all parts of the system, including the name and address of the component manufacturers model and serial numbers of all system components shall be provided and a statement from the manufacturer that the system meets all applicable electrical codes.

- v. Shadow flicker: A shadow flicker study may be required to determine any negative impact on surrounding lots; or, buildings not on the same lot as the WECS.
- w. Decommissioning: A WECS shall be completely removed within six (6) months from discontinuance of use. The affected lot shall be fully restored to its preconstruction condition within six (6) months.
- x. Compliance with other provisions of zoning resolution: A WECS shall comply with all other applicable regulations for the zoning district in which it is located.

9. Home Occupations shall be limited to the following:

a. 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 conducted on the premises which does not diminish the use and enjoyment of adjacent properties, does not alter the exterior of the property, or affect the residential character of the community. Home occupations are subject to the following regulations:

b. Regulations for home occupations:

1. A home occupation may be established only within a dwelling. Only one (1) home occupation may be established on a lot.
2. The use of a dwelling unit for a home occupation is an accessory use and shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five (25%) percent of the total floor area of a dwelling unit, not to exceed eight hundred (800) square feet shall be used in the conduct of a home occupation. Floor area of a dwelling unit shall be determined by measuring its interior dimensions, in accordance with Section 402.9
3. There shall be no change in the exterior appearance of a dwelling unit or accessory building other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with Article VII.
4. Off-street parking spaces shall be provided in accordance with Article VI.
5. The minimum width of a driveway for ingress and egress to a home occupation shall be ten (10) feet. Shall be constructed with a suitable all-

weather surface in accordance with Section 606.0.

6. 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.
 7. No more than three (3) persons other than the occupants of the premises may be employed or engaged in a home occupation.
 8. Articles offered for sale on the premises shall be limited to those produced in the dwelling unit.
 9. A home occupation shall be owned or operated by the owner or resident of the property or his immediate family.
 10. A home occupation shall conform to all of the "R-1" district regulations set forth in this resolution.
- c. The following is a list of permissible home occupations.
1. Architect and draftsman
 2. Attorneys
 3. Building Contractor and skilled trades
 4. Computer services
 5. Clerical services
 6. Engineer
 7. Financial services
 8. Fine arts and crafts
 9. Food preparation
 10. Insurance services
 11. Health Care
 12. Sewing of apparel or home furnishings
 13. Surveyor
 14. Training, education or instruction
 15. Type B family day care home per R.C. 5104.01(UU)

B. The following are a list of permitted accessory buildings, structures and uses that shall not require a zoning certificate and shall be in accordance with Section 402.6 except as may otherwise be provided herein.

1. Farm markets, provided that fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
2. Outdoor fireplaces with a permanent foundation in accordance with Section 402.6.
3. Outdoor wood fired boilers in accordance with the following regulation: Outdoor wood fired boilers shall not be located in the minimum front yard setback, the side yard setback, rear yard setback, or in front of the principal building on a lot.
4. Storage buildings, sheds, and barns used for keeping tools, equipment, supplies, and other personal property shall not exceed two hundred (200) square feet in gross area and shall not project into the minimum front, side, or rear yard.
5. Porches and decks with or without a roof that do not exceed one hundred fifty (150) square feet and shall not project into the minimum front, side or rear yard.
6. Ramps and steps attached to a building on a lot and used for ingress/egress in accordance with Section 402.6.
7. Antennas: Radio or television antennas including satellite dish antennas designed to receive direct broadcast satellite service, including direct to home satellite service, or to receive or transmit fixed wireless signals via satellite, antennas designed to received video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite; and antennas designed to receive local television broadcast signals. An antenna shall be setback from the nearest lot line a distance equal to 1.1 times its total height measured from all lot lines. Such antennas and dish antennas shall not be located in the front yard or in front of the principal building on a lot. Pursuant to O.R.C. Section 519.214 and O.R.C. Section 5502.031, an antenna for amateur radio service communications shall be permitted and shall be setback a minimum distance equal to 1.1 times its total height measured from all lot lines. An antenna for amateur radio service communications shall not be located in any front yard or in front of any principal building on a lot. Provided, however, if such antennas are designed so as to implode or have a controlled fall in order to remain fully within the boundaries of the affected lot, then the setback specified herein shall not apply.
8. Roof mounted solar panels and solar panel arrays.

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. Bed & Breakfast in accordance with Section 403.3

B. Private Recreational Facilities

1. Definition - recreation facilities as listed in 402.3 (B)(2) owned, leased or managed by a private, non-governmental entity.
2. Principal buildings, structures and uses limited to the following:
 - a. Ball fields and facilities related thereto
 - b. Boating of non-motorized origin
 - c. Cabins for occupancy, said temporary occupancy not to exceed thirty (30) consecutive days during a calendar year
 - d. Camping and facilities related thereto for temporary occupancy, said temporary occupancy not to exceed thirty (30) consecutive days during a calendar year
 - e. Equestrian trails
 - f. Fishing
 - g. Hiking trails
 - h. Picnicking and picnic shelters
 - i. Playground and non-motorized recreational equipment
 - j. Swimming pools
 - k. Water slides
 - l. Tennis courts
 - m. Golf driving ranges
3. Accessory buildings, structures and uses (which are on the same lot with and of nature customarily incidental or subordinate to the principal building, structure or use):
 - a. Bath houses related to swimming
 - b. Fences, gates and walls located outside of any public or private road right-of-way.
 - c. Offices for employees
 - d. Off-street parking spaces in accordance with article VI in this resolution
 - e. Sales of supplies to employees and patrons
 - f. On-site sanitary sewage treatment and water well systems.

- g. Signs in accordance with article VII in this resolution
- h. Storage buildings for tools, equipment, recreational vehicles
- i. Wind energy conversion system devices

4. Recreational Facilities:

- a. The minimum lot area shall not be less than fifty (50) acres, except for:

Recreational Facilities of the following uses shall have minimum areas:

Golf 18 hole course --160 acres

Golf 9 hole course -- 80 acres

Amusement or recreational park --100 acres

Resort or campgrounds -- 50 acres

- b. Recreational facilities shall be subject to the regulations of this resolution in sections 402.5 through 402.7.

Section 402.4 Minimum Lot Area

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

Section 402.5 Minimum Lot Frontage and Width

- A. The minimum lot frontage and width shall be two hundred forty (240) feet, except for lots located on the arc of a permanent cul-de-sac road turnaround.
- B. For any lot located on the arc of a permanent cul-de-sac road turnaround, the minimum lot frontage shall be eighty (80) feet at the front lot line and a minimum width of two hundred forty (240) feet at the minimum building set-back line.

Section 402.6 Minimum Yards

- A. The minimum yards for all buildings, structures and uses, including accessory buildings, structures, and uses shall be as follows:
 - 1. Front yard: 100 feet
 - 2. Each side yard: 25 feet
 - 3. Rear yard: 25 feet
- B. There must be a minimum of twenty-five (25) feet of spacing between buildings on the same lot.
- C. The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be the same as the minimum front yard.

Section 402.7 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 (2 1/2) stories whichever is lesser.
- B. Special maximum heights
 - 1. Belfries, church spires, clock towers, cupolas, chimneys and flagpoles - no maximum height restrictions.
 - 2. Telecommunications towers and appurtenant facilities shall be in accordance with Article XIII.
 - 3. Radio, television, and satellite dish antennas shall not exceed forty-five (45) feet in height, if mounted in the ground or twelve (12) feet above the roof line if attached to a building or structure. There shall be no maximum height for amateur radio service communication antennas.

Section 402.8 Maximum Lot Coverage

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

Section 402.9 Minimum Floor Area

The minimum floor area for a single family detached dwelling shall be one thousand two hundred (1,200) square feet.

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

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

The following buildings, structures, and uses shall be permitted in the minimum yards set forth in this resolution without a zoning certificate, unless otherwise indicated.

- A. Awnings or canopies over windows and doors in accordance with Article VII.
- B. Clotheslines and support poles
- C. Driveways in accordance with Article VI, Section 606.0
- D. Fences, gates, and walls, located outside of any public or private road right-of-way
- E. Flagpoles
- F. Landscaping features, including earthen mounds and retaining walls.
- G. Mailboxes and newspaper tubes

- H. Off-street parking spaces in accordance with Article VI
- I. On -site sanitary sewage treatment and water well systems
- J. Ornamental and security lighting fixtures
- K. Student bus shelters
- L. Swing sets and related recreational equipment
- M. Walkways, trails, and sidewalks

Section 402.11 Manufactured Homes

Manufactured homes shall conform with all of the following regulations:

- A. A manufactured home shall be permanently sited on a lot and shall:
 - 1. Conform to the Federal Manufactured Housing Construction and Safety Standards Acts of 1974 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 S.C.A. Section 5415, and be manufactured after January 1, 1995
 - 2. Have all hitches, axles, wheels, running lights and other indicia of mobility removed from the home
 - 3. Be exclusive of any addition, have a width of not less than twenty-two (22) feet at one point, and a minimum floor area in accordance with the residential district in which it is located;
 - 4. Have a minimum "A" roof pitch of 3:12, conventional residential siding, and a minimum six (6) inch eaves overhang, including appropriate guttering;
 - 5. Be permanently installed upon and properly attached to a continuous perimeter foundation that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to appropriate facilities;
 - 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:
 - 1. 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 402.12 Licensed Residential Facility [R.C. 5123.19 (A) (5) (a)]

- A. Requirements for a licensed residential facility as defined in R.C. 5123.19 (A) (5) (a) and which is operated pursuant to R.C. 5123.19 (O) shall include the following:

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

Section 402.13 Exterior Lighting

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

Section 402.14 Fire Protection Ponds

A platted subdivision containing 10 or more total sublots, or a building or group of buildings on a lot containing more than 10,000 square feet of gross floor area, shall include a pond for fire protection constructed by the owner in accordance with the standards and specifications of the Montville Fire Department. The pond shall include the installation of a dry hydrant. The dry hydrant shall be installed in accordance with the standards and specifications of the Montville Fire Department and shall be so located as to permit access by firefighting and emergency vehicles. No zoning certificate shall be required for the installation of a fire protection pond or dry hydrant, however, the township zoning inspector shall not approve and sign a final plat for a subdivision until the standards and specifications of the Montville Fire Department have been met for the design and installation of the fire protection pond, the dry hydrant, and access thereto. If the subdivision or development is phased, the fire protection pond and dry hydrant shall be constructed in the initial phase.

Section 403.0 C: Commercial District

Section 403.1 Permitted Principal Buildings, Structures, and Uses

- A. Any Residential (R-1) use specifically listed in section 402.1.
- B. Offices limited to:
 - Accountant
 - Attorney
 - Building contractor
 - Dentist
 - Engineer
 - Optometrist

Physician

Real estate agent

Surveyor

Veterinarian

C. Business establishments limited to:

The following sales of merchandise, provided that all products for sale or rent shall be sold or rented on the premises and service establishments, dealing directly with the consumer:

Agricultural implements, machinery equipment (repair and service)

Alarm and security systems

Antique shops

Automobile supply stores

Bakeries

Banks, financial and other lending institutions

Barber, beauty and hair-styling shops

Bicycle and supply and repair stores

Building contractors

Building material and supply stores

Catering

Child day-care center

Clothing stores

Commercial, business, trade or vocational schools

Custom signs and lettering

Drug stores

Electronic stores and repair

Florist and gift shops

Food and beverage stores

Funeral homes

Furnace and air conditioning cleaning and repair

Furniture, appliance stores and repair shops

Garden & farm equipment and supply stores

Hardware and paint stores

Hobby and craft shops

Interior decorating products and service shops

Jewelry, clock and watch shop and repair

Laundry and dry cleaning
Libraries
Locksmiths
Lodges, clubrooms and meeting halls

Mailing services
Medical, surgical, dental and optical instrument and supply stores
Musical instruments and supply stores

Office supply stores
Offices, professional, medical, administrative, philanthropic and sales

Pet stores and grooming
Photographic equipment and supplies
Power and equipment sales and repair shops
Pre-school and private schools, and Type A family day-care home

Rental centers
Restaurants & cafeterias, lunchrooms, bars, taverns

Shoe and leather sales and repair shops
Sporting goods, clothing and equipment stores

Tailor, dressmaker, sewing and furrier shops
Tanning salons
Temporary enclosed storage facilities
Towing service
Toy stores
Travel agency

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. All of the permitted accessory buildings, structures, and uses set forth in Section 402.2.

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. Bed and breakfasts

1. The following definitions shall apply to this chapter:

- a. Bed and breakfast- means an owner-occupied building designed, used and occupied as a single-family residence managed by the property's owner, and having, as an accessory use, bedroom accommodations and breakfast provisions, served in the host's private dining room or kitchen for those accommodated as paying guests, who are referred to for purposes of this section as registered guests.

2. Conditions for bed and breakfasts:

a. Application

1. Any person desiring a bed and breakfast shall file with the zoning inspector a written application for a conditional zoning certificate, giving in the application, in addition to other required information, the full name and place of residence of the applicant, the exact location of the dwelling which constitutes the bed and breakfast residence, the floor plan of the dwelling within which it is located, the rooms within it which will be used as guest rooms, and the number of occupants each room can accommodate.
- b. Each room shall have a minimum floor area of two hundred (200) square feet and no separate kitchen facilities for registered guests shall be provided.
- c. No guest may be registered for more than seven (7) consecutive nights.
- d. The owner shall keep at all times a book, to be known as the register, in which it shall be required that every person to whom a room is let shall have his, her or their name or names and address registered therein in ink, along with a true statement of the date on which the room was let, the date it was vacated, the correct number or other designation of the room let, and the number of occupants assigned thereto. The owner shall retain such register for a minimum of three (3) years.
- e. Bed and breakfast shall conform with all of the regulations for the zoning district in which it is located.
- 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. The minimum width of a driveway for ingress and egress to a bed and breakfast shall be 10 feet in accordance with Section 606.0.

B. Residential Care Facilities

Residential care facility, as defined by Revised Code Section 3721.01(A)(7) and as hereafter amended or supplemented, is a home that provides either accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; or provides accommodations for three (3) or more unrelated individuals, supervision and personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment and to at least any one (1) of those individuals, any of the skilled nursing care authorized by Ohio Revised Code Section 3721.011 and as may hereafter be amended or supplemented.

The residential care facility must meet the following minimum conditions:

1. The facility must be licensed in accordance with Chapter 3721 of the Ohio Revised Code and Chapter 3701-17 of the Ohio Administrative Code.

2. The application for a conditional use certificate shall be accompanied by the license application submitted to the State of Ohio, Director of Health, as required by Chapter 3701-17 of the Ohio Administrative Code.
3. The plans for the facility must initially be reviewed by the Volunteer Fire Department in order to show compliance with the requirements of Chapter 3701-17 of the Ohio Administrative Code and all other applicable building safety codes. In addition, the residential care facility shall include the following:

- a. A supervised alarm system with manual pull stations.
- b. Hood suppression system in main cooking areas and any satellite kitchens shall be under the control of a resident supervisor and other appropriate personnel who shall have exclusive access to circuit switches that provide power to electrical appliances in the kitchen area such as electric ranges and other electrical outlets in the kitchen.
- c. Emergency lighting and illuminated exit signs with battery back-up.
- d. Automatic sprinkler systems coupled with a smoke and heat detection system that is connected to a central monitoring commercial service.
- e. In the event of an emergency, all locks in the residential care facility shall be fail-safe and immediately release if an alarm goes off. All sleeping areas shall have a means of egress.
- f. The facility must be initially inspected in order to show compliance with all building, plumbing and interim fire safety requirements for residential care facilities and water, sewage, plumbing and electrical inspection requirements for residential care facilities and all other applicable building and safety codes.

Future inspections shall show continued compliance with said building and safety provisions.

- g. The number of resident beds in the facility may not exceed one and a half (1 1/2) times the number of resident bedrooms.
- h. The bedroom space provided for each resident shall meet the minimum criteria outlined in any applicable provision of the Ohio Administrative Code, or any licensing requirement.
- i. The minimum amount of parking spaces shall be the same as required for adult care facilities set forth in Section 601.0, item d #3 of this resolution.
- j. A minimum of two (2) environmental options shall be provided such as a landscaped yard, gardening, patio or screened porch, and the facility shall be designed and constructed to minimize the possibility of residents leaving the facilities except under the control of a member of their family or an employee of the residential care facility.
- k. The residential care facility shall be established on a minimum of three (3) acres.

- I. The facility shall comply with all other zoning requirements imposed by this resolution, including, but not limited to the signage requirements in Article VII.

C. Service Stations and Gas Stations

1. Conditions for service stations and gas stations:

- a. The following services may be rendered:

1. Sales and service of spark plugs, batteries and distributors parts and gasoline.
 2. Tire servicing and repair, but not recapping or regrooving.
 3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like.
 4. Radiator cleaning and flushing.
 5. Washing, polishing and sale of washing and polishing materials.
 6. Greasing and lubrication.
 7. Providing and repairing fuel pumps, oil pumps and lines.
 8. Minor servicing and repair of carburetors.
 9. Adjusting and repairing brakes.
 10. Minor motor adjustment not involving removal of the head or crankcase.
 11. Sales of cold drinks, packaged foods, tobacco and similar convenience goods for service station customers, as accessory and incidental to principal operations.
 12. Provision of road maps and other informational material to customers and the provision of restroom facilities.
 13. Warranty maintenance and safety inspections.
 14. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding and storage of automobiles not in operable condition.
 - b. All fuel storage tanks shall be in completely underground.
 - c. Pumps shall be a minimum of twenty-five (25) feet from the road right-of-way margin.
 - d. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.

- e. All storage of supplies shall be within completely enclosed buildings during non-business hours.
- f. No more than five (5) vehicles may be stored outside of a completely enclosed building or structure.
- g. The number of off-street parking spaces shall be in accordance with Article VI.
- h. Signs shall be in accordance with Article VII.
- i. A service station shall comply with all of the regulations for the zoning district in which it is located.

D. Vehicle repair garages

1. Conditions for vehicle repair garages.

- a. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
- b. All storage of supplies shall be within completely enclosed buildings.
- c. No more than five (5) vehicles may be stored outside of a completely enclosed building or structure.
- d. The number of off-street parking spaces shall be in accordance with Article VI.
- e. Signs shall be in accordance with Article VII.
- f. A vehicle repair garage shall comply with all regulations for the zoning district in which it is located.

E. Vehicle sales, lease and rental lots

1. Conditions for vehicle sales, lease and rental lots:

- a. No more than fifty (50) vehicles shall be parked outside of a completely enclosed building or structure and no vehicles shall be parked within any required yard area.
- b. No vehicle shall be parked for display within twenty-five (25) feet of the road right-of-way.
- c. The number of off-street parking spaces shall be in accordance with Article VI.
- d. Signs shall be in accordance with Article VII.
- e. A vehicle sales, lease and rental lot shall conform with all of the regulations for the zoning district in which it is located.

F. Adult Oriented Businesses in accordance with Article XIV.

Section 403.4 Minimum Lot Area

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

Section 403.5 Minimum Lot Frontage and Width

- A. The minimum lot frontage and width shall be two hundred forty (240) feet, except for lots located on the arc of a permanent cul-de-sac road turnaround.
- B. For any lot located on the arc of a permanent cul-de-sac road turnaround, the minimum lot frontage shall be eighty (80) feet at the front lot line and a minimum width of two hundred forty (240) feet at the minimum building set-back line.

Section 403.6 Minimum Yards

- A. The minimum yards setback 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: 25 feet
 - 3. Rear yard: 25 feet
- B. The minimum yards setback for all accessory buildings, structures and uses shall be as follows:
 - 1. Front yard: 100 feet
 - 2. Each side yard: 25 feet
 - 3. Rear yard: 25 feet
- C. The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be as follows:
 - 1. Same as minimum front yard.

D. Buffer Zone

A buffer zone of not less than fifty (50) feet in width shall be required wherever a residential district abuts a commercial district. No structure building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the commercial district and on the same lot with the principal building, structure or use.

All buffer zones abutting a residential district along the side or rear lot lines shall be appropriately screened by fences, walls, earthen mounds or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences and walls shall be a minimum height of six (6) feet. Such areas shall

be kept in reasonable weed-free condition, clear of undesirable undergrowth, and free of any refuse and debris.

Section 403.7 Maximum Height

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

Section 403.8 Maximum Lot Coverage

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

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

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

Section 403.10 Minimum Distance Between Buildings

The minimum distance between buildings on the same lot shall be fifty (50) feet.

Section 403.11 Exterior Lighting

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

Section 403.12 Fire Protection Ponds

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

Section 403.13 Exterior Display or Sales Areas

Exterior display or sales areas for goods and merchandise shall be a minimum of seventy five (75) feet from any front lot line and a minimum of twenty five (25) feet from any side or rear lot lines. Exterior sales or display areas for goods and merchandise shall not be located within any off-street parking spaces, loading/unloading spaces or driveways on a lot.

Section 403.14 Exterior Storage Areas

Exterior storage of materials, equipment, machinery, or vehicles incidental to the permitted use of the lot shall be a minimum of seventy five (75) feet from any front lot line and a minimum of twenty five (25) feet from any side or rear lot lines, unless otherwise specified in this resolution. Exterior trash receptacles or dumpsters shall be fully screened and shall not be located in the front of any principal building on a lot or in any front yard. Exterior trash receptacles or dumpsters shall be a minimum of twenty five (25) feet from any side or rear lot lines.

Section 403.15 Sewage Treatment Facilities

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

Section 404.0 I: Industrial District

Section 404.1 Permitted Principal Buildings, Structures and Uses

- A. Any retail business establishments specifically listed in Section 403.1.
- B. Light manufacturing, assembling, and services of the following:
 - Advertising and display manufacturing
 - Automobile repair

 - Bookbinders

 - Cabinet makers
 - Canvas products such as tents and awnings
 - Cement products

 - Electrical appliances and equipment

 - Food products, except slaughtering or the preparation of fish, meats and poultry for packing
 - Furniture and upholstery shops

 - Ice storage and sales

 - Laboratories, research, experimental and testing

 - Machine shops excluding punch presses with rating capacity of over twenty (20) tons and drop hammers
 - Metal products, including radios, lighting fixtures and television equipment

 - Office equipment

 - Packing and crating establishment
 - Paper products
 - Pharmaceutical products
 - Plastic products
 - Plating, soldering and/or welding shop

 - Saw mills
 - Sheet metal
 - Storage and warehousing within wholly enclosed buildings

 - Wood products

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).

Permitted accessory buildings, structures or uses are as follows:

- A. Buildings for storage

B. Parking areas

C. Loading/unloading areas

Section 404.3 Conditional Buildings, Structures, and Uses.

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

A. Adult Oriented Businesses in accordance with article XIV.

Section 404.4 Minimum Lot Area

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

Section 404.5 Minimum Lot Frontage and Width

A. The minimum lot frontage and width shall be two hundred forty (240) feet, except for lots located on the arc of a permanent cul-de-sac road turnaround.

B. For any lot located on the arc of a permanent cul-de-sac road turnaround, the minimum lot frontage shall be eighty (80) feet at the front lot line and a minimum width of two hundred forty (240) feet at the minimum building set-back line.

Section 404.6 Minimum Yards

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: 25 feet
3. Rear yard: 25 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: 25 feet
3. Rear yard: 25 feet

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

1. Same as minimum front yard.

D. Buffer Zone

A buffer zone of not less than fifty (50) feet in width shall be required wherever a residential district abuts an industrial district. No structure, building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the industrial district and on the same lot with the principal building, structure or use.

All buffer zones abutting a residential district along the side or rear lot lines shall be appropriately screened by fences, walls, earthen mounds or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences, walls, earthen mounds or evergreens shall be a minimum height of six (6) feet upon installation. Such areas shall be kept in reasonable weed-free condition, clear of undesirable undergrowth, and free of any refuse and debris.

Section 404.7 Maximum Height

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

Section 404.8 Maximum Lot Coverage

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

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

Permitted buildings, structures and uses in required yard areas shall be as set forth in Sections . 402.10, 404.13 and 404.14.

Section 404.10 Minimum Distance Between Buildings

The minimum distance between buildings on the same lot shall be fifty (50) feet.

Section 404.11 Exterior Lighting

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

Section 404.12 Fire Protection Ponds

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

Section 404.13 Exterior Storage Areas

Exterior storage of materials, equipment, machinery, or vehicles incidental to the permitted use of the lot shall be a minimum of seventy five (75) feet from any front lot line and a minimum of twenty five (25) feet from any side or rear lot lines, unless otherwise specified in this resolution. Exterior trash receptacles or dumpsters shall be fully screened and shall not be located in the front of any principal building on a lot or in any front yard. Exterior trash receptacles or dumpsters shall be a minimum of twenty five (25) feet from any side or rear lot lines.

Section 404.14 Sewage Treatment Facilities

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

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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 change 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 complies with this zoning resolution.

Section 500.1 Contents of Application for a Conditional Zoning Certificate

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

All applications for conditional zoning certificates shall contain the following language:

The penalty for falsification is imprisonment for not more than six (6) months or a fine of not more than one thousand dollars (\$1000) 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. 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.

- A. The name, address and telephone number of the applicant.
- B. The name, address and telephone number of the owner of record.
- C. The address of the lot, if different from the applicant's current address.
- D. The names and addresses of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road from the subject lot).
- E. Documentation as to authority to make application (e.g. deed, power of attorney, lease or purchase agreement).
- F. A legal description of the lot, as recorded with the Geauga County Recorder.
- G. The current zoning district in which the lot is located.
- H. A description of the existing use of the lot.
- I. A description of the proposed use of the lot.

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

1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
2. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.
3. The set-back (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 alteration to existing buildings or structures.
6. The set-back (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 the 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 lot (if any).
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 the number of loading/unloading spaces.
13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
14. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
15. 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.
16. For commercial and industrial uses: 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 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 stormwater management and erosion control plan.
- 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 application fee.

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

Section 501.0 Meeting of the Board of Zoning Appeals

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

The board of zoning appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted: notice of any continued public hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by certified 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 R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R.C. 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 may contain the following conditions, in addition to those specifically required by other sections of this zoning resolution and those required by the board of zoning appeals.

- A. A conditional zoning certificate shall not be transferred or assigned, and a change of ownership shall require the new property owner to obtain a new conditional zoning certificate.
- B. A conditional zoning certificate for any of the uses provided herein shall be valid for a period not to exceed five (5) years from the date of issuance.
- C. It shall be the responsibility of the holder of the conditional zoning certificate to apply for reissuance of said certificate prior to its' expiration date in accordance with this resolution.

Section 504.0 Revocation of Conditional Zoning Certificate

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

- A. The conditional zoning certificate has been issued in error.
- B. The conditional zoning certificate was issued based upon a false statement by the applicant.
- C. The construction or use described in the conditional zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance.
- D. The conditional use described therein is voluntarily discontinued for a period of two (2) years or more.
- E. Any of the conditions set forth in the conditional zoning certificate are violated.

Section 504.1 Procedure for Revocation of Conditional Zoning Certificate

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

zoning certificate to appeal to the board of zoning appeals in accordance with Article X of this resolution. Such notice shall also include a statement that all construction upon or use of the building, structure or land described in the conditional zoning certificate shall cease unless and until a new conditional zoning certificate has been issued.

Section 505.0 General Standards for Conditional Uses

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

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

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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. All parking and loading/unloading spaces shall be located totally out side of the right-of-way of any public or private road.
- C. All parking and loading/unloading spaces shall be located on the same lot as the use to be served, unless otherwise specified herein.
- D. All parking and loading/unloading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways and roads.
- E. 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. All parking and loading/unloading spaces intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot or loading/unloading area shall be so arranged as to reflect the light away from the adjoining property or roads and shall be in accordance with the lighting regulations for the zoning district in which located.
- G. All parking lots and loading/unloading spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and loading/unloading spaces from or into a public or private road shall be traveling in a forward motion. Access driveways for parking lots and loading/unloading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private road.
- H. All entrances and exits to a parking lot shall be clearly marked. Interior vehicular circulation patterns shall be delineated by appropriate directional signage and/or pavement markings. Driveways providing access to a parking lot and aisles delineating interior circulation patterns within a parking lot shall maintain the following minimum standards:
 - 1. For one (1) way traffic, the minimum width of access driveways and aisles shall be twelve (12) feet.
 - 2. Access driveways and aisles for two (2) way traffic shall have a minimum width of twenty-five (25) feet.
 - 3. There shall be no more than two (2) points of ingress/egress per lot from a road to a parking lot and such points of ingress/egress shall be spaced a minimum of two hundred

forty (240) feet apart, measured from the centerline of each driveway in a perpendicular fashion.

- I. Off-street parking spaces shall be setback a minimum of twenty five (25) feet from the road right-of-way and twenty five (25) feet from any side or rear lot line. A fully landscaped strip, not less than four (4) feet in width, shall be located between the road right-of-way and any off-street parking spaces. Internal landscaped islands within off-street parking areas to delineate the end of aisles and to act as stormwater detention devices shall be required. Loading/unloading spaces shall be located to the side or rear of the building or structure they serve, shall not be in any front yard, and shall be setback a minimum of twenty five (25) feet from any side or rear lot line.
- J. Whenever a parking lot and/or loading/unloading area is located in or adjacent to a residential district, it shall be effectively screened on all sides that adjoin or face any property used for residential purposes, by a wall, fence or planting screen. Such wall, fence or planting screen shall not be less than four (4) feet nor more than six (6) feet in height upon installation and shall be maintained in good condition. The space between such wall, fence or planting screen and the lot line of the adjoining property in any residential district shall be landscaped and maintained in good condition in accordance with the buffer regulations contained in this resolution.

Section 601.0 Number of Parking Spaces Required

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

<u>USES</u>	<u>REQUIRED SPACES</u>
a. <u>Residential Uses and Residential-Business Uses:</u>	
1. Dwellings	Two (2) for each dwelling unit.
2. Home Occupations	Four (4) for each establishment.
3. Bed & Breakfasts	One (1) for each guest room plus one for Home Operator.
b. <u>Commercial Uses:</u>	
1. Home Occupations	Four (4) for each establishment.
c. <u>Schools:</u>	
1. Elementary and Junior	One (1) for each two (2) staff High Schools members and other employees. See also requirements for Auditoriums, Gymnasiums and stadiums.
2. Senior High Schools	One (1) for each two (2) staff members and other employees, plus one (1) for each twelve (12) seats in a classroom based on planned classroom

	capacity. See also requirements for Auditoriums, Gymnasiums and Stadiums.
3. Trade, Vocation, Business	One (1) for each two (2) employees, plus one (1) for each eight (8) seats in a classroom based on planned classroom capacity. See also requirements for Auditoriums, Gymnasiums and stadiums.
d. <u>Institutional Uses:</u>	
1. Hospitals	One (1) for each bed, plus one (1) for each doctor, plus one (1) for each three (3) other employees.
2. Clinics	One (1) for each one hundred (100) square feet of gross floor area.
3. Institutions for Children and the Aged, Convalescent Homes, Rest Homes, Nursing Homes, Day Nurseries	One (1) for each staff member including doctors and nurses, plus one (1) for each three (3) other employees, plus one (1) for each six (6) beds.
e. <u>Places of Public Assembly</u>	
1. Gymnasiums and similar indoor amusement or recreation uses and stadiums	One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.
2. Clubs and Lodges, without sleeping accommodations	Total parking area equal to one-half (1/2) the gross floor area.
3. Golf Clubs	Eight (8) for each green.
4. Golf Driving Ranges	Two (2) for each driving tee, plus one (1) for each operator and one (1) for each employee
5. Archery Ranges	Two (2) for each target, plus one (1) for each operator and one (1) for each employee.
6. Libraries and Museums	One (1) for each employee, plus one (1) for each two hundred (200) square feet of gross floor area.
7. Places of Worship	One (1) for each six (6) seats.
8. Community Centers	One (1) for each one hundred fifty (150) square feet of gross floor area, plus one (1) for each employee.
f. <u>Retail Sales Uses:</u>	
1. Bars, Taverns, Restaurants, Luncheonettes, Cafeterias, and Other eating places	One (1) for each employee, plus one (1) for each one hundred (100) square feet of floor area devoted to patron use or one (1) for each four (4) seats based on maximum seating capacity, whichever is greater.

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| 2. Establishments for the Sale of Boats, Farm Implements, Furniture, Gymnasium Supplies Hospital Supplies, Office Supplies, Machinery | For establishments having less than two thousand (2000) square feet of gross floor area, one (1) for each one thousand (1000) square feet of gross floor area. For establishments having two thousand (2000) square feet of gross floor area or more, one (1) for each seven hundred (700) square feet of gross floor area. |
| 3. Establishments for the Sale of China, Floor Coverings, Hardware, Household Equipment, Paint, Small Appliances, Wallpaper and other retail sale item | For establishments having less than two thousand (2000) square feet of gross floor area, one (1) for each seven hundred (700) square feet of gross floor area. For establishments having two thousand (2000) square feet of gross floor area or more, one (1) for each five hundred (500) square feet of gross floor area. |
| 4. Food Stores | For establishments having less than two thousand (2000) square feet gross floor area, one (1) for each five hundred (500) square feet of gross floor area. For establishments having two thousand (2000) square feet of gross floor area up to and including four thousand (4000) square feet of gross floor area, one (1) for each three hundred (300) square feet of gross floor area. For establishments having over four thousand (4000) square feet of gross floor area, one (1) for each one hundred twenty-five (125) square feet of gross floor area. |
| 5. Nurseries or Plant Husbandry, Garden Supplies, Agricultural Produce and other outdoor retail sales uses | One (1) for each employee, plus one (1) for each one hundred (100) square feet of floor area devoted to patron use. |
| 6. Gasoline Service Stations | One (1) for each one hundred (100) square feet of gross floor area. |
| 7. Used Car Lots | Total parking area equivalent to twenty-five (25%) percent of the gross lot area. |
| 8. Wholesale Establishments | One (1) for each one thousand (1000) square feet of gross floor area. |
| g. <u>Retail Service Uses:</u> | |
| 1. Banks, Business and Professional Office Buildings | One (1) for each three hundred (300) square feet of gross floor area. |
| 2. Medical or Dental Offices and Medical or Dental Laboratories | Five (5) for each doctor or dentist, plus one (1) for each two (2) employees, or one for each one hundred fifty (150) square feet of gross floor area, whichever is greater. |

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| 3. Car Wash | One (1) for each fifty (50) square feet of gross floor area. |
| 4. Funeral Homes | Four (4) for each slumber room, chapel or parlor or one (1) for each fifty (50) square feet of gross floor area of assembly rooms, whichever is greater, plus one (1) for each vehicle maintained on the premises. |
| 5. Automobile Repair and Service Garages | One (1) for each five hundred (500) square feet of gross floor area. |
| 6. Bowling Alleys | Seven (7) for each lane. |
| 7. Indoor Theaters | One (1) for each six (6) seats or total parking equal to three (3) times the gross floor area, whichever is greater. |
| 8. Other Indoor Amusement Uses | One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater. |
| 9. Other Retail Services Uses | One (1) for each three hundred (300) square feet of gross floor area. |
|
h. <u>Public Service Uses:</u> | |
| 1. Police and Fire Stations, Sewage Treatment Plants, Static Transformer Stations, Telephone Exchanges, Water Filtration Plants, Water Reservoirs and other Public Utilities | Two (2) for each three (3) employees. |
| 2. Township and other Governmental Buildings | One (1) for each three hundred (300) square feet of gross floor area. |
|
i. <u>For All Uses Which Are Permitted in Industrial Districts Only:</u> | |
| 1. Storage or Warehouse Uses | One (1) for each two (2) employed expected to be on the premises during the largest work shift period or total parking area equivalent to ten (10) percent of the gross floor area, whichever is greater. |
| 2. Coal, Lumber, Contractors or other open storage uses | One (1) for each employee, plus space equal to fifteen percent (15%) of the gross floor area. |

3. Other Permitted Industrial Uses One (1) for each two (2) employees expected to be on the premises during the largest work shift period or total parking area equivalent to twenty-five percent (25%) of the gross floor area, whichever is greater.

Section 602.0 Sizes of Parking Spaces

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 Loading/Unloading Spaces Required

For Commercial and Industrial uses permitted by this resolution, one (1) loading/unloading space shall be provided for each use on a lot.

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 or shared provision of parking and loading/unloading spaces for two (2) or more uses may be permitted, provided that the total number of such spaces shall not be less than the sum of the spaces required for such uses computed separately, in accordance with this resolution.
- B. Whenever a lawfully existing building, structure, or use is enlarged, reconstructed or structurally altered so as to increase its floor area, additional parking and loading/unloading spaces shall be provided on the basis of the floor area of such enlargement, reconstruction, or structural alteration.
- C. If fractional spaces result, the number of spaces required shall be determined to be the next highest whole number, if the fraction is one-half (1/2) or more.

Section 606.0 Driveways

- A. A driveway in the residential zoning district shall be setback a minimum of ten (10) feet from the nearest side and rear lot lines, measured in a perpendicular fashion from the lot line to the edge of the driveway, shall be constructed of a durable all-weather surface, and shall be a minimum of ten (10) feet in width, unless otherwise specified herein and fifteen (15) feet in clearance unobstructed.
- B. A driveway in the commercial and industrial zoning districts shall be setback a minimum of ten (10) feet from the nearest side and rear lot lines, measured in a perpendicular fashion from the lot line to the edge of the driveway, shall be constructed of a durable all-weather surface and shall be a minimum of ten (10) feet in width.

- C. If a driveway intersects a state, county, or township road a permit shall be secured from the appropriate governmental authority and a copy thereof provided to the zoning inspector as a part of an application for a zoning certificate.
- D. In any zoning district, a driveway shall be setback a minimum of ten (10) feet from a road intersection, measured in a perpendicular fashion from the edge of the road right-of way to the edge of the driveway.
- E. Driveways shall be a minimum of ten (10) feet wide, made of all weather surface material, and be a maximum of one thousand (1,000) feet in length measured along the centerline of the driveway beginning at the centerline of the public road right-of-way to its point of termination.

Section 607.0 Handicapped Parking

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

Section 608.0 Pervious Pavement or Pervious Pavement Systems

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

- A. In non-residential zoning districts and for uses other than residential, pervious pavement or pervious pavement systems, except for pervious asphalt or pervious concrete, shall not be used for driveways, drive aisles, or loading/unloading spaces.
- B. Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking spaces that are not utilized for required parking and that are not occupied on a daily or regular basis.
- C. Pervious pavement or pervious pavement systems shall not allow parking spaces to be located anywhere not otherwise permitted by this resolution.
- D. Pervious pavement or pervious pavement systems shall not apply to any landscaping as may be required by this resolution.
- E. Pervious pavement or pervious payment systems shall be prohibited in areas on a lot used for the dispensing of gasoline or other engine fuels or where hazardous liquids may be absorbed into the soil through the pervious pavement or pervious pavement system.
- F. Areas damaged by snow plows or other vehicles shall be promptly repaired. There shall be

no seal coating of any pervious asphalt or concrete surfaces. Gravel that has migrated from the pervious pavement systems onto adjacent areas shall be swept and removed regularly. Pervious asphalt surfaces or concrete shall be swept on a regular basis. Deed restrictions shall be prepared and recorded with the office of the county recorder that specify the pervious asphalt and concrete pavement on the affected lot shall be regularly swept and that seal coating is prohibited. A copy of the recorded restrictions shall be provided to the township zoning inspector.

- G. Parking areas shall have the parking spaces marked as required by this chapter except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including, but not limited to, markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.
- H. The area within pervious pavement or pervious pavement systems shall not be included in calculating the maximum lot coverage as specified in this resolution for the affected zoning districts or use.
- I. The site plan required as a part of the application for a zoning certificate or a conditional zoning certificate shall show the dimensions and area devoted to pervious pavement or pervious pavement systems, the dimensions of each space and total number of parking spaces, and the specific material(s) to be installed. Such materials shall be installed in accordance with the manufacturer's specifications.

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ARTICLE VII

SIGNS

Section 700.0 Sign Definitions

A. Types of Signs

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

B. Designs of Signs

1. **"Flat or wall"** means a sign painted on or attached to and erected parallel to the face of and erected and confined within the limits of, the outside wall of a building and supported by such wall and which displays only one (1) advertising surface or face.

2. **"Ground or pylon"** means a freestanding sign supported by one (1) or more uprights, poles, braces, or a permanent foundation and which is entirely independent of any building for support.
3. **"Marquee"** 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.
4. **"Mobile"** means any portable sign or sign structure not securely or permanently attached to the ground or to a building.
5. **"Projecting"** means a sign extending beyond the vertical surface or plane of the exterior wall of a building to which such a sign is attached.
6. **"Roof"** means a sign erected upon the roof of a building, all surfaces of which are located above the roof surface and do not project beyond any exterior wall of the building on which located.
7. **"Window"** means a sign painted on, attached or affixed to the interior surface of a window or door of a building intended to be seen from the exterior.

Section 701.0 General Requirements for all Signs

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

1. Any illuminated sign or lighting device shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights, except that portion of a sign indicating time and/or temperature. 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 lot 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 be inflatable or 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.

Section 702.0 Prohibited Signs in all Districts

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

1. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official governmental signs and/or approaching or merging traffic.
2. Signs which interfere with, imitate or resemble an official governmental sign, signal, or device.
3. Signs illuminated so as to interfere with the effectiveness of or which obscure an official governmental sign, signal, or device.
4. Roof signs
5. Mobile Signs

Section 703.0 Governmental Signs Exempted

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

Section 704.0 Signs Permitted in all Districts not Requiring a Zoning Certificate

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

1. One (1) real estate sign per lot, dwelling unit or use which advertises the sale, lease or rental of the premises upon which such sign is located.
2. One (1) real estate development sign per subdivision which advertises the sale of lots in the subdivision upon which such sign is located.
3. One (1) nameplate sign per lot, dwelling unit, or use with a maximum area of three (3) square feet per sign face indicating the name and addresses of the owners or occupants of the premises.
4. Directional (entrance and exit) signs on private property with a maximum area of two (2) square feet per sign face and containing only directional information.
5. Temporary signs may be erected only with the permission of the owner of the premises and shall not be erected more than thirty (30) days prior to the advertised event and shall be removed within seven (7) days following the advertised event. No temporary sign shall be posted in or erected in any place or any manner which is destructive to property upon erection or removal. No temporary sign shall be erected within a public right-of-way nor shall any such sign be posted on a utility pole.
6. One (1) development sign per subdivision or premises with a maximum area of six (6) 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. Historical or commemorative signs issued by a recognized historical agency.
9. Residential security signs limited to a maximum one (1) square foot of face area and two (2) such signs per lot.
10. Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to a maximum two (2) square feet in face area and three (3) feet in height, do not interfere with safe traffic circulation and do not interfere with or obstruct the view of drivers exiting onto streets or highways and do not contain information other than the words "in", "enter", "entrance", "out", "exit" and/or arrows indicating desired traffic movement.

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 a Residential Zoning District (see also section 704.0)

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

1. Each use in a residential zoning district may be permitted only one (1) of the following signs on the lot: wall, ground, or pylon.
 - a. Wall signs shall have a maximum area of thirty (30) square feet.
 - b. Ground or pylon signs shall have a maximum area of six (6) square feet per sign face.

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

1. Professional or home occupation signs
2. Bulletin board signs

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

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

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

1. Each commercial or industrial use may be permitted one (1) of the following signs on the lot: wall, projecting, or marquee.
 - a. Wall signs shall have a maximum area of seventy-five (75) square feet.
 - b. Projecting signs shall have a maximum of twenty-five (25) square feet per sign face and shall not extend more than five (5) feet measured from the face of the building to which such sign is attached.
 - c. Marquee signs shall have a maximum area of fifty (50) square feet per sign face and shall not extend more than ten (10) feet measured from the face of the building to which such sign is attached.
2. In addition to a wall, projecting, or marquee sign, each commercial or industrial use may be permitted one (1) ground or pylon sign on the lot. Such sign shall not exceed twenty-five (25) square feet per sign face in area. There shall be no more than one (1) ground or pylon sign per lot.
3. In lieu of the permitted ground or pylon sign in paragraph two (2) above, one (1) or more groups of commercial or industrial uses within the same building or structure, or located on the same lot, may be permitted one (1) directory sign for all uses. Such signs shall have a maximum area of thirty (30) square feet per sign face.

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

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 the elements of the matter displayed. Frames and structural members not displaying advertising matter shall not be included in computation of the surface area.

Section 708.0 Measurement of Sign Height

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

Section 709.0 Maximum Height Requirements

- A. Projecting, wall, and marquee signs shall not exceed the height of the wall face to which such signs are attached.
- B. Ground or pylon signs shall have a maximum height of twelve (12) feet.

Section 710.0 Minimum Yard Requirements

- A. Ground or pylon signs shall have a minimum set-back of fifteen (15) feet from the road right-of-way.
- B. Ground or pylon signs shall have a minimum set-back of fifteen (15) feet from the side lot lines.

Section 711.0 Removal of Damaged Nonconforming Signs

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

Section 712.0 Removal of Signs

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

Section 713.0 Billboards

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

- B. Conditions.

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

1. There shall be no more than 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 (1) 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 setback 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 setback 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 setback 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 setback a minimum of twenty five (25) feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
9. A billboard shall be setback a minimum of twenty five (25) 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 setback a minimum of one hundred (100) feet from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
11. A billboard shall be setback a minimum of twenty five (25) feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of 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 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. Proof of compliance with such codes shall be provided by the applicant.
19. The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.
20. A billboard shall be included in determining the maximum coverage of buildings and structures on a lot for the zoning district in which it is located.
21. A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Flood Insurance Rate Maps of Geauga County.
22. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.
23. The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.
24. Billboard sign faces shall be neatly painted or posted at all times and the billboard structure shall be kept in a safe state of repair.

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ARTICLE VIII

Space reserved for future use!

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ARTICLE IX

NONCONFORMING BUILDINGS, STRUCTURES AND USES

Section 900.0 Nonconforming Use of the Buildings and Land Not Affected by Zoning

The lawful uses 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 one (1) year 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 one (1) year 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 unless the nonconforming reconstruction remains in the exact footprint of the destroyed building and upon approval of the zoning inspector.
- B. Should a nonconforming building or structure be moved for any reason for any distance whatever, 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, or increased, nor 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 without the grant of a variance by the board of zoning appeals.
- C. No lawful nonconforming uses shall be moved in whole or in part to any portion of the lot or property other than that occupied by such uses at the time of the effective date of this resolution or any amendment thereto.
- D. No additional building or structure not conforming to the requirements of this resolution or any amendment thereto shall be erected in connection with such nonconforming use of land.
- E. No existing building or structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- F. Any nonconforming use may be extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the time of the effective date of this resolution or any amendment thereto, but no such use shall be extended to occupy any land outside such building or structure.
- G. Any building or structure, or building or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed.

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 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, frontage, and width less than the minimum prescribed herein, which meets all of the following:
1. It was a lot of record prior to the 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. The building, structure or use complies with all other regulations set forth herein, except minimum lot area, frontage, width.

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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 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

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

Section 1000.3 Duties of the Township Zoning Inspector

It shall be the duty of the 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 1100.2 and 1100.3.
- C. Issue zoning certificates as permitted by the terms of this resolution.
- D. Revoke zoning certificates as permitted by the terms of this resolution.
- E. Receive and act upon complaints regarding violations of this resolution in accordance with Section 1101.0.
- F. Make inspections as required to fill 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 the notices of appeal to the board of zoning appeals as provided in R.C. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the township zoning inspector.
- K. Upon receipt of a notice of appeal to the board of zoning appeals, 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. Shall safely keep and deposit all fees and monies received by him/her with the 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 and plats to ensure proof of compliance with the applicable provisions of this resolution.
- N. Review proposed divisions of land that are not subject to platting and consolidations of lots of record pursuant to the "Subdivision Regulations of Geauga County, Ohio" and sign and date the survey plat with the appropriate language thereon to ensure proof of compliance with the applicable provisions of this resolution.

Section 1001.0 Township Zoning Commission

Section 1001.1 Township Zoning Commission Created

- A. The board of township trustees has created and established a township zoning commission composed of five (5) members who reside in the unincorporated area of the township and the board may appoint two (2) alternate members in accordance with Ohio Revised Code Section 519.04. The (2) alternate members shall be identified as first (1st) and second (2nd) alternate indicating the order in which they shall fill vacancies occurring on the zoning commission.
- B. An alternate member shall take the place of an absent regular member at any meeting of the zoning commission. Alternate members of the zoning commission are expected to attend all meetings of the commission even when they are not filling a vacancy. At such times, their status as an active or inactive alternate member shall be made clear to all attending a meeting. If a regular member fails to appear, or appears following the start of a meeting, then the alternate member shall fill the vacancy of the regular member immediately, but not before, the start of the meeting, and all related continuance meetings. The start of a meeting begins at the call to order by the chairman of the zoning commission.

The chairman shall preside over all meetings. In the absence of the chairman, the vice chairman shall preside. An alternate shall not preside over a meeting of the zoning commission.

Section 1001.2 Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission

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

Section 1002.0 Township Board of Zoning Appeals

Section 1002.1 Township Board of Zoning Appeals Created

Pursuant to 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 moneys appropriated by the board of township trustees for the purpose, employ such executive, professional, technical, and other assistants as it deems necessary.

Section 1002.2 Powers of Township Board of Zoning Appeals

The township board of zoning appeals may:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning inspector in the enforcement of Sections 519.02 to 519.25 of the 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 public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done.
- C. Grant conditional zoning certificates for the use of land, buildings, or other structures for specific uses provided for in this resolution and in accordance with the conditions set forth herein.

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 the Board of Zoning Appeals

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

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

- C. If the board of township trustees appoints alternate members to the board of zoning appeals in accordance with O.R.C. Section 519.13, the two (2) alternates shall be identified as first (1st) and second (2nd) alternate indicating the order in which they shall fill vacancies on the board of zoning appeals. When filling a vacancy created by an absent regular member, the alternate shall be subject to all responsibilities of a regular member under the adopted bylaws of the board of zoning appeals. Alternates are expected to attend all meetings and hearings of the board of zoning appeals even when they are not filling a vacancy. At such times, their status as an active or inactive alternate member shall be made clear to all in attendance at a meeting or hearing. If a regular member fails to appear, or appears

following the start of a meeting or hearing, then the alternate member shall fill the vacancy of the regular member immediately, but not before, the start of the meeting and all continuance meetings or hearings. The start of the meeting or hearing begins with the call to order by the chairman of the board of zoning appeals. The chairman shall preside over a meeting or hearing. In the absence of the chairman, the vice chairman shall preside. At no time shall an alternate preside over a meeting or hearing of the board of zoning appeals.

Section 1002.4 Procedures of the Board of Zoning Appeals

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

All notices of appeal shall contain the following language:

The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand (\$1000) dollars 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, e-mail, and fax number of the appellant.
- 2. The name, address, telephone number, e-mail, and fax number of the owner of record.
- 3. The address and PPN of the lot, if different from the appellant's current address.
- 4. The names addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all properties adjacent to and directly across the street from the subject lot).
- 5. Documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease or purchase agreement). If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.
- 6. A copy of the deed and legal description of the lot, as recorded with the Geauga County Recorder.
- 7. The current zoning district in which the lot is located.

8. A description of the existing use of the lot.
9. A description of the proposed use of the lot.
10. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
 - a. The dimensions (in feet) of all lot lines and total acreage of the lot.
 - b. The dimensions (in feet) of existing buildings or structures on the lot, if any.
 - c. The set-back (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 - d. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - e. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures; and, a copy of the floor plan for each floor of the building or structure.
 - f. The set-back (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures and the distance between existing and proposed detached buildings and 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), setback of driveways, and the number of parking spaces existing (if any) and proposed for the property including any handicapped parking spaces.
 - l. For commercial and industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
 - m. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 - n. The location and description of any existing and proposed landscaping and buffer areas on the lot.
 - o. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.

- p. For commercial and industrial uses: the location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
 - q. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
 - r. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
11. The number of the application for the zoning certificate.
12. All notices of appeal for signs shall include, at a minimum, the following information:
- a. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date, showing:
 - 1. The dimensions (in feet) of the sign.
 - 2. The area of the sign in square feet.
 - 3. The location of the sign on the building, structure or property including dimensions (in feet) from the front and side lot lines.
 - 4. The height (in feet) of the sign.
 - 5. The method of illumination, if any.
 - 6. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).
13. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable. If along a state highway, the access permit issued by the Ohio Department of Transportation, 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. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan.
16. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his authorized representative relative to the alleged error made by the zoning inspector in his/her determination of the application for the zoning certificate.
17. For notices of appeal requesting a variance, the appellant or his/her authorized representative shall provide the following:
- a. A statement 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" or a "use" variance.
 - 1. Standards for an "area" variance: the practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following:
 - a. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance.
 - b. Whether the variance is substantial.
 - c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 - d. Whether the variance would adversely affect the delivery of governmental services.
 - e. Whether the lot owner purchased the lot with the knowledge of the zoning restriction.
 - f. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance.
 - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 - 2. Standards for a "use" variance: the unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following:
 - a. The variance requested stems from a condition which is unique to this lot at issue and not ordinarily found in the same zone or district.
 - b. The hardship condition is not created by actions of the applicant;
 - c. The granting of the variance will not adversely affect the rights of adjacent owners
 - d. The granting of the variance will not adversely affect the public health, safety, or general welfare
 - e. The variance will be consistent with the general spirit and intent of the zoning resolution
 - f. The variance sought is the minimum which would afford relief to the applicant and

- g. There is no other economically viable use which is permitted in the zoning district

18. The appeal fee.

- 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 hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county. Written notice to parties of interest will be provided if the board of zoning appeals does not set a date for the continuation during the meeting. However, written notice will not be provided if a continuation date is established during the meeting. Written notice may be provided by certified 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 of interest. All exhibits submitted shall

be marked for identification by the board and safely kept and preserved by the board.

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

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

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

Section 1002.5 Supplementary Conditions on Variances

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

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ARTICLE XI
ENFORCEMENT

Section 1100.0 Zoning Certificate Required

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

- B. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure:
 - 1. To provide for greater height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area; 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

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 (\$1000), 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, e-mail, and fax number of the applicant.
- B. The name, address, telephone number, e-mail, and fax number of the owner of record.
- C. The address and PPN, of the lot, if different from the applicant's current address.
- D. Documentation as to authority to make application (e.g. deed, power of attorney, lease or purchase agreement).). If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.
- E. A copy of the deed and legal description of the lot , as recorded with the Geauga County Recorder.
- F. The current zoning district in which the lot is located.
- G. A description of the existing use of the lot.
- H. A description of the proposed use of the lot.
- I. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
 - 1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 - 2. The dimensions (in feet) of existing buildings or structures on the lot, if any.
 - 3. The set-back (in feet) from all lot lines of existing buildings or structures on the ~~property~~ 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 lot buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures; and, a copy of the floor plan for each floor of the building or structure.
 - 6. The set-back (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - a. The distance between existing and proposed detached buildings and 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), setback of driveways, and number of parking spaces existing (if any) and proposed for the lot including any handicapped parking spaces.
 12. For commercial and industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 14. The location and description of any existing and proposed landscaping and buffer areas on the lot.
 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 poles and 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, not content).
- K. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable. If along a state highway, the access permit issued by the Ohio Department of Transportation, 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 stormwater management and erosion control plan.

N. The application fee.

Section 1100.2 Action by Township Zoning Inspector on Application for Zoning Certificate

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

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

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

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

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

- A. The zoning certificate has been issued in error by the zoning inspector.
- B. The zoning certificate was issued based upon a false statement by the applicant.

- C. The construction or use described in the zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance.

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

- D. A zoning certificate may be reissued by the zoning inspector if construction has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction had not been completed within two (2) years from the date of issuance if all terms of the approved zoning certificate application and site plan are unchanged and remain in full compliance with the current zoning resolution in effect. The reissuance of a zoning certificate requires resubmission of an application and site plan with a supplemental written statement signed by the applicant that no changes have been made to the original application and site plan as approved.

Section 1101.0 Complaints Regarding Violations

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

Section 1102.0 Prohibition Against Violating Zoning Resolution

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

Section 1103.0 Action to Prevent Violations of Zoning Regulations

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of Sections 519.01 to 519.99 inclusive of the Revised Code, or of any regulation or provision adopted by the board of township trustees under such sections, such board, the prosecuting attorney of the county, the 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.

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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 (\$1000), or both.

Such application shall include the following information:

- A. The name, address, telephone number, e-mail, and fax number of the applicant.
- B. The address of the lot and PPN, if different from the applicant's current address.
- C. Describe the present use of the lot.
- D. Describe the present zoning classification of the lot.
- E. The text of the proposed amendment. The proposed new text shall be highlighted and existing text to be deleted shall be shown with strike-through.
- F. The proposed zoning district, if applicable.
- G. A copy of the recorded deed and a legal description of the lot included in the proposed amendment. If the applicant does not have a title to the lot, attach a copy of an executed lease as well. Written evidence shall be submitted that the lessee has the owner's consent to make application.
- H. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the lot.
- I. A copy of the official township zoning map with the lot(s) proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable.
- J. A statement relative to the reason(s) for the proposed amendment and how it relates to the township land use plan.
- K. A site plan detailing, existing and proposed buildings, structures and uses on the affected lot(s) and documenting the provision and location(s) of sewage treatment and water supply facilities.

- L. A list of the addresses and PPN's from the county auditor's current tax list of all owners of property within, contiguous, and directly across the street from the area to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.
- M. The application fee, as established by resolution of the board of township trustees, to defray the costs of advertising, mailing and other expenses.

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/she has purchased or initiated proceedings to appropriate the land which is subject of the amendment, then the board of township trustees shall refuse to adopt the amendment. If the director notifies the board of township trustees that he/she has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the director and the property owner, the board of township trustees shall proceed as required by the Ohio Revised Code.

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ARTICLE XIII

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

Section 1300.0 Purpose

- A. It is the purpose of this Section of the Montville Township Zoning Resolution to regulate wireless telecommunications antennas, towers, and facilities in order to promote public health, safety and general welfare in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:
1. Protect residential districts and land uses from potential adverse impacts of wireless telecommunications towers, antennas and facilities.
 2. Accommodate the wireless telecommunications towers and facilities as authorized by the Federal Telecommunications Act of 1996 (Public Law 104-104) in order to enhance telecommunications services and competition particularly wireless telecommunications service.
 3. Promote collocation as an alternative to siting new wireless telecommunications towers and appurtenances; and to maximize the use of existing and approved towers and buildings to collocate new wireless telecommunications antennas.
 4. Consider the public health and safety issues surrounding wireless telecommunications towers and appurtenances.
 5. Protect adjacent lots from potential damage from wireless telecommunications tower failure through proper engineering and careful siting of such structures.
 6. Encourage monopole wireless tower construction where feasible.
- B. This resolution shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request has been duly filed. Any decision to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. This resolution shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

Section 1301.0 Permitted Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed, or enlarged in the following areas as a permitted use subject to the requirements of this article and upon application for a zoning certificate and issuance of said certificate by the zoning inspector.

- A. A wireless telecommunications antenna may be permitted on a lawfully existing telecommunications tower, with the necessary equipment shelter, as a collocation on said existing tower.
- B. A wireless telecommunications tower and appurtenant facilities may be permitted within a recorded electric high tension power line easement. A tower located within said easement shall not be subject to the regulations set forth in Section 1302.0(M), (T) and (V)(5).
- C. A wireless telecommunications tower and appurtenant facilities may be permitted in the industrial and commercial zoning district(s). A wireless telecommunications tower and facilities may be permitted in a residential district as a conditional use only.

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 residential district as a conditional use subject to the approval of the board of zoning appeals pursuant to the procedure set forth in Article V of this resolution and the following conditions as well as the regulations specified in this article.

- A. No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a designated one hundred (100) year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Geauga County.
- B. No wireless telecommunications tower, equipment building or appurtenant facility shall be located within a jurisdictional wetland as depicted on the maps published by the U.S. Fish and Wildlife Service, Department of the Interior, for Geauga County.
- C. A security fence not less than eight (8) feet in height shall fully enclose the base of the wireless telecommunications tower, the equipment building and appurtenant facilities. Gates shall be locked at all times.
- D. Evergreen trees or shrubbery not less than eight (8) feet in height shall be planted along the exterior perimeter of the security fence so as to screen it from view. Existing vegetation on the site shall be preserved to the maximum possible extent. Landscaping on the site shall be continuously maintained and promptly restored as necessary.
- E. A report shall be prepared and submitted by a licensed professional engineer and shall provide proof of compliance with all applicable federal, state, and county regulations. The report shall include a detailed site plan as required by Section 1306.0 of this resolution; a detailed description of the wireless telecommunications tower, equipment shelter, and appurtenances as well as the tower's capacity including the number and types of antennas it can accommodate; shall demonstrate compliance with the ANSI/EIA 222-F manual verifying the design and construction specifications for the tower; shall demonstrate that the tower is the minimum height necessary for its operation; and shall verify that radio frequency (electromagnetic) emissions are within compliance with the regulations of the Federal Communications Commission (FCC). A copy of the FCC license issued to the wireless telecommunications provider shall be submitted.
- F. A wireless telecommunications tower, equipment building, and appurtenances shall not be mounted on a building or structure listed on the National Register of Historic Places.

- G. A wireless telecommunications tower should be painted a neutral color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- H. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment shelter, and appurtenances or on the site.
- I. No more than one (1) warning sign, the maximum size of which shall be four (4) square feet, shall be posted on the site as well as an emergency telephone numbers. The applicant shall also provide the fire department, the township police (or county sheriff) department, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency. No other signs are to be posted on the site.
- J. A wireless telecommunications tower, equipment shelter, and appurtenances shall not be artificially lighted except to assure safety as may be required by the Federal Aviation Administration (FAA). If lighting is required, white strobe lights shall not be permitted unless no other alternative is allowed by the FAA. Proof of compliance with all FAA criteria shall be required and a copy of the review by the FAA shall be submitted.
- K. The applicant shall submit a plan documenting how the wireless telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.
- L. The driveway to the site shall be a minimum of ten (10) feet in width and shall be set-back a minimum of ten (10) feet from the nearest side or rear lot line. There shall be a minimum of one (1) off-street parking space on the site.
- M. The collocation of antennas on lawfully existing towers or structures shall be preferred over the construction of new wireless telecommunications tower sites. If there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on a lawfully existing tower or structure within the geographic area to be served, including the areas set forth in Section 1301.0, then with the zoning certificate application, the applicant shall list the location of every tower or structure and all the areas set forth in Section 1301.0 that could support the proposed antenna(s) so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on a lawfully existing tower or structure or a technically suitable location is not available in any area set forth in Section 1301.0. If another tower or structure or area set forth in Section 1301.0 is technically suitable, the applicant must show that it has requested to collocate on the existing tower and the collocation was rejected by the owner of the tower or structure or that it has requested all property owners with technically suitable locations within a two (2) mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 1301.0 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to requests for collocation within thirty (30) days from the receipt of a written request sent by certified mail (return receipt requested) for collocation. If another telecommunications tower is technically suitable the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the township, if such a tower exists and space is available on the tower for collocation, which is owned or controlled by the applicant on reasonable reciprocal terms and the offer was not accepted.

The applicant shall further demonstrate that collocation is not feasible for the following reasons:

1. The planned equipment would exceed the structural capacity of existing or approved towers or structures as documented by a licensed professional engineer; and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 2. The proposed equipment would cause radio frequency interference with other existing or planned equipment which cannot be prevented at a reasonable cost as documented by a licensed professional engineer.
 3. The existing or approved towers or structures do not have space on them to accommodate the proposed equipment so it can function effectively and reasonably as documented by a licensed professional engineer.
 4. Collocation would violate federal, state, or county regulations.
 5. The location of existing towers or buildings is not technically suitable due to topography or other impediments to transmission as documented by a licensed professional engineer.
 6. Existing or approved towers or structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
- N. The owner/operator of a free-standing monopole wireless telecommunications tower shall be required to allow collocation for a minimum two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. The owner/operator of a free-standing lattice wireless telecommunications tower shall be required to allow collocation for a minimum of five (5) additional antenna platforms of equal loading capacity for five (5) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the zoning inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this regulation as well as all other applicable requirements, regulations and standards set forth herein.
- O. The owner of any wireless telecommunications tower erected under this section shall be required to accept collocation of any other antenna(s) except upon a showing of technological nonfeasibility set forth herein.
- P. A wireless telecommunications tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for additional users as set forth herein. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- Q. There shall be no storage outside of the security fence of equipment or other items on the site except during the construction period, for ordinary maintenance, or in times of a power outage.

- R. The minimum distance between wireless telecommunications towers and facilities shall be one thousand two hundred fifty feet (1,250).
- S. If at any time the use of a wireless telecommunications tower, equipment shelter and appurtenances is discontinued for sixty (60) consecutive days, said facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within thirty (30) days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the conditional zoning certificate for the site shall be revoked following a hearing thereon by the board of zoning appeals. During any period of discontinuance of said telecommunications facility, the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject lot shall at all times be kept in good repair. The board of zoning appeals shall require a cash or surety bond of not less than one hundred dollars (\$100) per vertical foot from natural grade as part of a conditional zoning certificate to ensure such conditions, including but not limited to the removal of the tower, are met.
- T. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.
- U. Wireless telecommunications towers, antennas, and appurtenances mounted to a building or structure:
1. A wireless telecommunications tower, antenna, and appurtenances may be mounted to a lawfully existing building or structure (other than a dwelling) or to a proposed building or structure (other than a dwelling) provided the maximum height of the tower, antenna, or other appurtenances shall not exceed two hundred (200) feet above the highest point of the roof line.
 2. The allowable number of towers to be mounted on a legally existing building or structure shall be pre-determined by a qualified engineering design personnel supplied by the applicant.
 3. A wireless telecommunications tower, antenna, and appurtenances shall comply with all the regulations for the zoning district in which it is located, including minimum yards (set-backs), except as may otherwise be specified in this section by the zoning resolution.
 4. A written report prepared by a licensed structural engineer shall be submitted indicating that the building or structure upon which a wireless telecommunications tower, antenna, and appurtenances may be mounted will support the same.
- V. Free-standing wireless telecommunications towers, antennas and appurtenances:
1. The maximum height of a free-standing monopole wireless telecommunications tower, including antenna(s) and appurtenances shall not exceed one hundred fifty (150) feet. The maximum height of a free-standing lattice wireless telecommunications tower including antenna(s) and appurtenances shall not exceed two hundred (200) feet.
 2. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances shall be fifty (50%) percent 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 four hundred (400) square feet and for a free-standing lattice wireless telecommunications tower the maximum size of the equipment shelter shall be nine hundred ninety (990) square feet. The maximum height of an equipment shelter shall be twelve (12) feet. Within a residential zone, an equipment shelter shall be completely located below the natural grade of the ground. There shall be no more than one (1) equipment shelter(s) located on a lot in conjunction with wireless telecommunications tower or antenna(s). An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.
4. A free-standing monopole wireless telecommunications tower shall be designed to support the collocation of at least three (3) antenna platforms of equal loading capacity. A free-standing lattice wireless telecommunications tower shall be designed to support the collocation of at least six (6) antenna platforms of equal loading capacity.
5. A wireless telecommunications tower, antenna, equipment building and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in this section of the zoning resolution.

Section 1303.0 Prohibited Areas

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

Section 1304.0 Fees

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

Section 1305.0 Public Utility Exemption

- A. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to R.C. 519.211(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal or enlargement of a wireless telecommunications tower and appurtenant facilities.
- B. In the event a wireless telecommunications tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations set forth herein do not apply when the proposed location of the tower facility is in a nonresidential zoned area of the township. The proponent of such a tower facility must file a written application with the zoning inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the

provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for the purpose of this exemption:

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 resolution. The decision of the board of zoning appeals shall be the final decision of the township on this issue.
- D. In the event a wireless telecommunications tower and appurtenant facility is proposed to be located in an unincorporated area of the township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this zoning resolution if it meets all of the criteria in 1, 2, and 3 below as follows:
 1. All requirements of Section 1305.0 A through C are met;
 2. The public utility provides both of the following by certified mail:
 - a. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a 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 trustees requesting that the provisions of this zoning resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and

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

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

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

Section 1306.0 Site Plan

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

A. The site plan shall be prepared by, signed, dated, and bear the stamp and registration number of a licensed professional engineer.

- B. The site plan shall be based upon a survey, drawn to scale, have a north arrow, and show the location and dimensions of the wireless telecommunications tower and appurtenant facilities from all lot lines, buildings, structures, and public road right-of-ways. A copy of the structural design prints from the manufacturer shall be provided for a wireless telecommunications tower, antenna(s), and equipment shelter.
- C. The height of the telecommunications tower and all appurtenant facilities above grade shall be provided and all potential mounting positions and locations of antennas shall be shown in order to evaluate collocation opportunities.
- D. The dimensions of all buildings, structures, driveways, parking area, and all appurtenant facilities shall be provided.
- E. Existing easements of record and proposed easements with dimensions shall be shown.
- F. A copy of a title examination for the subject premises shall be submitted.
- G. The shipping weight of the 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.

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ARTICLE XIV
ADULT ORIENTED BUSINESSES

Section 1400.0 Definitions

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

“Adult arcade” means an establishment where coin operated or slug/token operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing or image-transmitting devices are maintained to show images to no more than one (1) person per machine at any one 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:

Five percent (5%) or more of the gross public floor area is devoted to adult media.

Five percent (5%) 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 five percent (5%) or more of its gross pubic 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 located only in “C” Commercial or “I” Industrial zoning districts and shall be classified as a conditional use. An adult oriented business 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 five hundred fifty (550) 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 two hundred (200) 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 six thousand (6,000) 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.

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 five hundred fifty (550) feet, of a residential zoning district boundary or a residential use on a lot within two hundred (200) 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 is 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.

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ARTICLE XVI

ACTIVE PARK DISTRICT (P-2)

Section 1600.0 Purpose

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

Section 1601.0 Principal Permitted Buildings, Structures, and Uses

- A. Outdoor ball fields and games in accordance with Township Park Board Regulations.
- B. Outdoor skating rinks
- C. Outdoor courts and games in accordance with Township Park Board Regulations.
- D. Picnic grounds and pavilions
- E. Playgrounds and playground equipment
- F. Swimming pools and pool houses

Section 1602.0 Permitted Accessory Buildings, Structures, and Uses

- 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. Off-street parking in accordance with Township Park Board Regulations.

Section 1603.0 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 1604.0 Minimum Lot Area

The minimum lot area shall be thirty (30) acres.

Section 1605.0 Minimum Lot Frontage

The minimum lot frontage shall be two hundred forty (240) feet.

Section 1606.0 Minimum Lot Width

The minimum lot width shall be two hundred forty (240) feet.

Section 1607.0 Minimum Yards (Setbacks) for Permitted and Accessory Buildings, Structures and Uses

- A. Minimum front yard: 100 feet
- B. Each side yard minimum: 25 feet
- C. Minimum rear yard: 25 feet

Section 1608.0 Maximum Lot Coverage

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

Section 1609.0 Minimum Distance Between Buildings on Same Lot

The minimum distance between buildings on the same lot shall be fifty (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 1610.0 Maximum Height of Permitted and Accessory Buildings and Structures

The maximum height of permitted and accessory buildings and structures shall be thirty five (35) feet or two and one half (2 1/2) stories whichever is lesser.

Section 1611.0 Minimum Floor Area

- A. The minimum floor are of a principal permitted building shall be two hundred forty (240) square feet.
- B. The minimum floor area of a permitted accessory building shall be eighty (80) square feet.

Section 1612.0 Maximum Floor Area

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

Section 1613.0 Minimum Buffer Zone

- A. There shall be a minimum buffer zone of twenty-five (25) 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 1614.0 Exterior Lighting

Exterior lighting shall be in accordance with section 402.13.

Section 1615.0 Exterior Storage Areas

Exterior storage areas shall be in accordance with section 403.14.

Section 1616.0 Sewage Treatment Facilities

Sewage treatment facilities shall be in accordance with section 403.15.