

Zoning Resolution

Newbury Township

Geauga County

Ohio



AMENDMENTS

Amended	Adopted	Effective
April 20, 2000	June 8, 2000	July 8, 2000
April 5, 2001	May 7, 2001	June 6, 2001
October 17, 2001	November 19, 2001	December 18, 2001
February 20, 2002	March 18, 2002	April 16, 2002
July 17, 2002	October 7, 2002	November 5, 2002
November 20, 2002	January 6, 2003	February 5, 2003
October 21, 2003	November 19, 2003	December 19, 2003
April 20, 2004	May 19, 2004	June 18, 2004
September 27, 2005	December 7, 2005	January 6, 2006
January 3, 2009	January 21, 2009	February 20, 2009
June 13, 2009	July 15, 2009	August 14, 2009
July 28, 2010	September 1, 2010	October 1, 2010
December 21, 2011	February 1, 2012	March 2, 2012
July 29, 2013	September 8, 2013	October 19, 2013
February 3, 2017		

“Newbury 2020 Vision”
A Vision Statement
Of the
Newbury Township
Zoning Commission

October 2, 1997

By the year 2020, we envision, in this place known as Newbury Township, Ohio

- An Atmosphere friendly to residents and business owners.
- A thriving community, neither stagnant nor booming.
- A rural ambiance.
- A safe, healthful environment.
- Desirable communities in which to live, work, and raise a family.
- A town center (“greens” or “downtown”).
- Preservation and display of historical artifacts and properties to enhance our Township heritage.

Table of Contents

ARTICLE I.	GENERAL PROVISIONS	1
Section 1.00	Title	1
Section 1.01	Jurisdiction	1
Section 1.02	Declaration of Purpose	1
Section 1.03	Provisions of Resolution Declared to be Minimum Requirements	1
Section 1.04	Powers Not Conferred by Chapter 519 of the Ohio Revised Code or this Resolution	2
Section 1.05	Schedule of Fees, Charges, and Expenses; and Collection Procedure	2
Section 1.06	First Day Excluded and Last Day Included in Computing Time Exceptions; Legal Holiday Defined	2
Section 1.07	Computation of Time	3
Section 1.08	Specific Provision Prevails Over General Exception	3
Section 1.09	Irreconcilable Amendments	3
Section 1.10	Continuation of Prior Amendment	3
Section 1.11	Effect of Amendment	3
Section 1.12	Annexed Territory	4
Section 1.13	Severability	4
ARTICLE II.	DEFINITIONS	9
Section 2.00	Interpretation of Terms or Words	9

Table of Contents

Section 2.01	Words and Terms Defined	9
ARTICLE III.	ZONING DISTRICTS AND OFFICIAL MAP	31
Section 3.00	Zoning Districts	31
Section 3.01	Description of Zoning Districts	31
Section 3.02	Official Zoning Map	43
Section 3.03	Location of Official Zoning Map	44
Section 3.04	Amendments to the Official Zoning Map	44
Section 3.05	Township Zoning Map	45
ARTICLE IV.	DISTRICT REGULATIONS	49
Section 4.00	General	49
Section 4.01	Prohibited Uses In All Zoning Districts	49
Section 4.02	Yard Sales	51
Section 4.03	Erosion Control Regulations In All Zoning Districts	52
Section 4.04	Dish Antennas	52
Section 4.05	Temporary Uses	52
ARTICLE V.	R-1 — RESIDENTIAL DISTRICT	57
Section 5.00	Purpose	57
Section 5.01	Permitted Principal Buildings, Structures, and Uses	57
Section 5.02	Permitted Accessory Buildings, Structures, and Uses	57

Table of Contents

vii

Section 5.03	Conditional Buildings, Structures and Uses	61
Section 5.04	First Dwelling area in a split-level of more than one level dwelling.	66
Section 5.05	Minimum Yards, Lot Area, and Residential Floor Area; for Buildings, Structures and Uses, including Accessory Buildings, Structures and Uses	66
Section 5.06	Permitted Buildings, Structures, and Uses in Required Yards	68
Section 5.07	Maximum Height	70
Section 5.08	Minimum Lot Width	70
Section 5.09	Rear Lots	70
Section 5.10	Trucks and Trailers	71
Section 5.11	Exterior Lighting	71
ARTICLE VI.	B-1 — COMMERCIAL/BUSINESS DISTRICT	75
Section 6.00	Purpose	75
Section 6.01	Permitted Principal Buildings, Structures, and Uses	75
Section 6.02	Permitted Accessory Buildings, Structures, and Uses;	77
Section 6.03	Zoning Certificate Requirements	79
Section 6.04 3	Conditional Buildings, Structures, and Uses	79
Section 6.05 4	Minimum Lot Area	84
Section 6.06 5	Minimum Lot Width	84
Section 6.07 6	Minimum Yards	84
Section 6.08 7	Maximum Height	84

Section 6.0 <u>98</u>	Maximum Lot Coverage	85
Section 6.10 <u>09</u>	Minimum Floor Area	85
Section 6.11 <u>10</u>	Permitted Buildings, Structures and Uses in Required Yards	85
Section 6.1 <u>12</u>	Driveways	85
Section 6.12 <u>3</u>	Screening and Landscaping	85
Section 6.13 <u>4</u>	Lighting	86
ARTICLE VII. M-1 — INDUSTRIAL DISTRICT		91
Section 7.00	Purpose	91
Section 7.01	Permitted Principal Buildings, Structures, and Uses	91
Section 7.02	Permitted Accessory Buildings, Structures, and Uses;	92
Section 7.03	Zoning Certificate Requirements	94
<hr/>		
Section 7.04 <u>3</u>	Conditional Buildings, Structures, and Uses	94
Section 7.05 <u>4</u>	Minimum Lot Area	95
Section 7.06 <u>5</u>	Minimum Lot Width	95
Section 7.07 <u>6</u>	Minimum Yards	95
Section 7.08 <u>7</u>	Maximum Height	96
Section 7.09 <u>8</u>	Maximum Lot Coverage	96
Section 7.10 <u>09</u>	Minimum Floor Area	96
Section 7.11 <u>0</u>	Permitted Buildings, Structures and Uses in Required Yards	96

Table of Contents

ix

Section 7.12 1	Driveways	97
Section 7.13 2	Screening and Landscaping	97
Section 7.14 3	Lighting	97
ARTICLE VIII. P-O — PROFESSIONAL OFFICE DISTRICT		101
Section 8.00	Purpose	101
Section 8.01	Permitted Principal Buildings, Structures, and Uses	101
Section 8.02	Permitted Accessory Structures and Uses	101
Section 8.03	Zoning Certificate Requirements	104
Section 8.04	Non-permitted Uses	104
Section 8.05	Minimum Lot Area	104
Section 8.06	Minimum Lot Width	104
Section 8.07	Minimum Yards	104
Section 8.08	Maximum Height	105
Section 8.09	Maximum Lot Coverage	105
Section 8.10	Minimum Floor Area	105
Section 8.11	Permitted Buildings, Structures and Uses in Required Yards	105
Section 8.12	Driveways	105
Section 8.13	Screening and Landscaping	106
Section 8.14	Outside Sales	106

Table of Contents

x

Section 8.15	Trucks and Trailers	106
Section 8.16	Signs	106
Section 8.17	Occupancy of Existing Buildings	106
Section 8.18	Lighting	106
Section 8.19	Conditional Buildings, Structures and Uses	107
ARTICLE IX.	AGRICULTURE	113
Section 9.00	Agriculture	113
Section 9.01	Farm Markets	113
ARTICLE X.	CONDITIONAL USES	119
Section 10.00	Conditional Zoning Certificate Required	119
Section 10.01	Contents of Application for a Conditional Zoning Certificate	119
Section 10.02	Transmittal of Application to Board of Zoning Appeals	121
Section 10.03	Meeting of Board of Zoning Appeals	121
Section 10.04	Action by Board of Zoning Appeals	122
Section 10.05	Issuance of Conditional Zoning Certificate	122
Section 10.06	General Conditions for Conditional Zoning Certificates	122
Section 10.07	Revocation of Conditional Zoning Certificate	122
Section 10.08	General Standards for Conditional Uses	123
ARTICLE XI.	DRIVEWAYS, PARKING, LOADING/UNLOADING SPACES	129

Table of Contents

xi

Section 11.00	General Requirements for Parking and Loading/Unloading Spaces in All Zoning Districts	129
Section 11.01	Number of Parking Spaces required	130
Section 11.02	Handicapped Parking	132
Section 11.03	Size of Parking Spaces	132
Section 11.04	Number of Loading/Unloading Spaces Required	132
Section 11.05	Size of Loading/Unloading Spaces	132
Section 11.06	Determination of the Number of Parking and Loading/Unloading Spaces Required	133
Section 11.07	Driveway Regulations	133
Section 11.08	Standard Residential Drive Designs	134
Section 11.09	Standard Commercial Drive Designs	134
ARTICLE XII.	SIGNS	139
Section 12.00	Sign Definitions	139
Section 12.01	General Requirements for all Signs	140
Section 12.02	Prohibited Signs in all Districts	140
Section 12.03	Governmental Signs Exempted	141
Section 12.04	Mobile Signs	141
Section 12.05	Signs Permitted in all Districts not requiring a Zoning Certificate	141
Section 12.06	Signs Permitted in the Residential Zoning Districts	142

Section 12.07	Signs Permitted in the Commercial, Industrial and Professional Office Zoning Districts 142	
Section 12.08	Measurement of Sign Area	143
Section 12.09	Measurement of Sign Height	143
Section 12.10	Maximum Height Requirements	143
Section 12.11	Minimum Yard Requirements	143
Section 12.12	Removal of Damaged Signs	144
Section 12.13	Removal of Signs	144
Section 12.14	Billboards	144
ARTICLE XIII. RESERVED FOR FUTURE USE		151
ARTICLE XIV. NONCONFORMING USES		157
Section 14.00	Nonconforming Use of Buildings and Land Not Affected by Zoning	157
Section 14.01	Completion of Nonconforming Building or Structure	157
Section 14.02	Restoration of Nonconforming Uses	157
Section 14.03	Reconstruction of Nonconforming Uses	157
Section 14.04	Extension of Nonconforming Uses	158
Section 14.05	Extensions of Nonconforming Buildings and Structures	158
Section 14.06	Substitution of Nonconforming Uses	159
Section 14.07	Nonconforming Lot of Record	159

ARTICLE XV. TOWNSHIP ZONING INSPECTOR	163
Section 15.00 Position of Township Zoning Inspector Established	163
Section 15.01 Zoning Inspector's Bond	163
Section 15.02 Duties of Township Zoning Inspector	163
ARTICLE XVI. TOWNSHIP ZONING COMMISSION	169
Section 16.00 Township Zoning Commission Created	169
Section 16.01 Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission.	169
ARTICLE XVII. TOWNSHIP BOARD OF ZONING APPEALS	175
Section 17.00 Township Board of Zoning Appeals Created	175
Section 17.01 Powers of Township Board of Zoning Appeals	175
Section 17.02 Rules, Organization, and Meetings of Board of Zoning Appeals	176
Section 17.03 Procedures of Board of Zoning Appeals	177
Section 17.04 Supplementary Conditions on Variances	182
ARTICLE XVIII. ENFORCEMENT	187
Section 18.00 Zoning Certificate Required	187
Section 18.01 Contents of Application for a Zoning Certificate	187
Section 18.02 Action by Township Zoning Inspector on Application for Zoning Certificate	190
Section 18.03 Submission to Director of Ohio Department of Transportation	190

Table of Contents

xiv

Section 18.04	Revocation of Zoning Certificate	191
Section 18.05	Complaints Regarding Violations	191
Section 18.06	Prohibition Against Violating Zoning Resolution	191
Section 18.07	Action to Prevent Violations of Zoning Regulations	191
ARTICLE XIX. AMENDMENTS		195
Section 19.00	A Procedure for Amendments to Zoning Resolution	195
Section 19.01	Contents of Application for a Zoning Amendment	195
Section 19.02	Submission to Director of Ohio Department of Transportation	196
ARTICLE XX. WIRELESS TELECOMMUNICATIONS TOWERS/FACILITIES		197
Section 20.00	Purpose	197
Section 20.01	Permitted Uses	197
Section 20.02	Conditional Uses	198
Section 20.03	Prohibited Areas	202
Section 20.04	Fees	203
Section 20.05	Public Utility Exemption	203
Section 20.06	Site Plan	205
ARTICLE XXI. PASSIVE PARK DISTRICT		207
Section 21.00	Purpose	207
Section 21.01	Principal Permitted Buildings, Structures, and Uses	207

Table of Contents

xv

Section 21.02	Permitted Accessory Buildings, Structures, and Uses	207
Section 21.03	Conditional Buildings, Structures, and Uses	208
Section 21.04	Prohibited Uses	208
Section 21.05	Minimum Yards and Lot Area for Permitted and Accessory Buildings, Structures and Uses	209
Section 21.06	Minimum Yard Dimensions for Conditional Uses	209
Section 21.07	Maximum Height of Buildings	209
Section 21.08	Site plan approval for Conditional Uses	209
Section 21.09	Parking	210
Section 21.10	Signs	210
ARTICLE XXII. ACTIVE PARK DISTRICT		211
Section 22.00	Purpose	211
Section 22.01	Permitted Principal Structures and Uses	211
Section 22.02	Prohibited Uses	211
Section 22.03	All uses listed in Section 4.01. Minimum Yards and Lot Area for Permitted and Accessory Buildings, Structures and Uses	212
Section 22.04	Maximum Height of Buildings	212
Section 22.05	Parking and Signs in Active Park District	212
ARTICLE XXIII. ADULT ORIENTED BUSINESSES		215
Section 23.00	Purpose	215

Table of Contents

xvi

Section 23.01	Conditions for Adult Oriented Businesses	215
Section 23.02	Nonconforming Buildings, Structures, and Uses	216
ARTICLE XXIV ALTERNATIVE ENERGY		217
Section 24.01	Definitions	217
SECTION 24.02 PERMITTED ACCESORY USES		217

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General Provisions

Article I. General Provisions**Section 1.00 Title**

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

Section 1.01 Jurisdiction

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

Section 1.02 Declaration of Purpose

The Board of Trustees and Zoning Commission of Newbury Township have, through an evaluation of development factors, anticipated future growth and basic community goals, established guidelines and objectives for future development in the Township. It has been determined, due to the location of the Township within the area, the natural limitations of soil and geologic conditions which affect water supply and sewage treatment, the limited capability of the Township to provide urban services, and the current character of development within the community, that Newbury Township shall be essentially a low density residential community.

It has been further determined that a major asset to the community is the natural rural quality of the landscape, and that this quality, insofar as possible, should be preserved.

To achieve these basic objectives, in the interest of the public health, safety, convenience, comfort, prosperity or general welfare, to insure the preservation of open space, adequate water, light and air, freedom from congestion and objectionable or noxious uses, and to provide for the orderly and efficient growth of the community, the Board of Trustees of Newbury Township deems it necessary, in accordance with the provisions of Ohio R. C. Chapter 519, and a comprehensive plan, to regulate the use of land, the size and location of buildings, yards and open space and other characteristics of future development within the Township, and hereby adopts and enacts this Zoning Resolution which shall be in force and effect within the unincorporated territory of Newbury Township.

Section 1.03 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 1.04 *Powers Not Conferred by Chapter 519 of the Ohio Revised Code or this Resolution*

- A. Except as provided in Section 9.0 , this resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no Zoning Certificate shall be required for any such building or structure.
- B. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any railroad or public utility furnishing fuel, power, or communication, whether publicly or privately owned, or the use of land by any such railroad or public utility, for the operation of its business. However, subject to R.C. 519.21(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- C. Except as provided in Section 9.01, 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.

Section 1.05 *Schedule of Fees, Charges, and Expenses; and Collection Procedure*

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

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

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

Section 1.06 *First Day Excluded and Last Day Included in Computing Time Exceptions; Legal Holiday Defined*

The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal

holiday, then the act may be done on the next succeeding day which is not Sunday or a legal holiday.

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

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

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

Section 1.07 *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 1.08 *Specific Provision Prevails Over General Exception*

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

Section 1.09 *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 1.10 *Continuation of Prior Amendment*

A provision or regulation which is reenacted 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 1.11 *Effect of Amendment*

The amendment of this resolution does not:

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

Section 1.12 *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 officially adopt either the existing zoning regulations or new regulations for such territory.

Section 1.13 *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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Definitions

Article II. **Definitions**Section 2.00 *Interpretation of Terms or Words*

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

- A. The word "person" includes an individual, association, organization, partnership, trust, company, corporation, or any other legal entity.
- B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular, unless the context clearly indicates the contrary.
- C. The word "shall" is a mandatory requirement.
- D. The word "may" is a permissive requirement.
- E. The word "should" is a preferred requirement.
- F. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

Section 2.01 *Words and Terms Defined*

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

"Accessory *building, structure, or use* " is either a subordinate use of a building, or other structure, or lot, or a subordinate building or other structure:

1. Which use is clearly incidental to the use of the principal building, other structure, or use of land,
2. Which is customary in connection with the principal building, other structure, or use of land, and
3. Which is located on the same lot with the principal building, structure, or use.

"*Adult arcade*" means an establishment where coin operated or slug 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:

- A. Persons who appear in a state of nudity, or
- B. The exhibition of “specified anatomical areas” or “specified sexual activities” for observation by patrons

“Adult family home” means a residence or facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services to at least three (3) of those adults.

“Adult group home” means a residence or facility that provides accommodations for six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults.

“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:

- A. 10 percent or more of the gross public floor area is devoted to adult media.
- B. 10 percent or more of the stock in trade consists of adult media.
- C. It advertises or markets itself in any forum as “X rated,” “adult,” “sex,” or otherwise as a sexually or adult oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.

“Adult motel or hotel” means an establishment which:

- A. Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”;
- B. Rents, leases, or offers sleeping rooms or suites for a period of time that is less than ten (10) hours; or
- C. Allows an occupant or tenant to sublet a room or suite for less than ten (10) hours; or
- D. Rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.

“*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 (5) percent or more of its gross public floor area to the sale or rental of adult media or sexually oriented devices, toys or novelties.

“*Adult theater*” means an establishment such as a playhouse, arena, amphitheater, auditorium or concert hall which features persons who appear in a state of nudity or live performance characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

“*Agriculture*” includes farming; ranching; aquaculture; apiculture, horticulture, viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and

fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

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

"*Automobile*" Means a four-wheeled automotive mode of transportation, designed for passenger transportation, which may seat from two to eight people, driven by an engine, and limited to cars, light trucks, sport utility vehicles, minivans and full size vans.

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

"*Automotive Sales*" Means the sale, lease, or rental of new or used automobiles.

"*Automotive wrecking*" means the dismantling or wrecking of used motor 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 serve only as a substructure or foundation for a building or structure.

"*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.

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

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

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

"*Building line*" - see setback line.

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

"*Channel*" means a natural or artificial watercourse of perceptible extent, with bed and

banks to confine and conduct continuously or periodically flowing water.

"Child day-care center" means any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at one time. In counting children for the purposes of this division, 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 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 telecommunication antennas and appurtenant equipment from more than one provider on a single wireless telecommunications tower site.

"Commercial Motor Vehicle" means any motor vehicle designed and used for carrying merchandise or freight, or used as a combination tractor-trailer or commercial tractor by drawing other vehicles whether independently or by carrying a portion of such other vehicle or its load, or both. Commercial Motor Vehicles include but are not limited to bulldozers, cranes, backhoes, other than those used solely on the property, Commercial motor vehicle does not include any truck designed to carry a load one (1) ton or under, and which is used for transportation or purposes other than engaging in a business for profit.

"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.

"Conservation Easement" means an incorporeal right or interest in land that is held for the public purpose of retaining land, water, or wetland areas predominately in their natural, scenic, open, or wooded condition, retaining their use predominately in agriculture or retaining their use predominately as suitable habitat for fish, plants, or wildlife; that imposes any limitations on the use or development of the areas that are appropriate at the time of creation of the conservation easement to achieve one or more of such those purposes; and that includes appropriate provisions for the holder to enter the property subject to the easement at reasonable times to ensure compliance with its provisions.

"County" means Geauga County, Ohio

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

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

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

"Developer or Subdivider" means any person, partnership, firm, syndicate, trust, corporation, or other legal entity commencing proceedings under these regulations to effect the subdivision and improvement of land.

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

"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.

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

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

"Dwelling" means a building containing only a dwelling unit or units.

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

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

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

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

"Earth disturbing activity" means any grading, excavating, filling, or other alteration of the earth's surface where natural or manmade ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

"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.

"Enclosure" Means a designated area on a lot for outdoor storage which is shut in, fenced in and fully confined and secured.

"Erosion" means the process by which the land surface is worn away by the action of water, wind, ice or gravity

"Establishment" means any business regulated by this resolution.

"Explicit sexual material" means any hard-core material.

"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 from which only produce raised on farms is sold.

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

"Frontage" see lot line, front.

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

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

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

"Gross public floor area" means the total area of a building accessible or visible to the public including showrooms, merchandise display areas, service areas, behind-counter areas, storage areas, stage areas, screen areas, and arcades; including the aisles, hallways, and entryways serving such areas.

"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 in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

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

"Home occupation" means an occupation for remuneration conducted within a dwelling or an existing accessory structure 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.

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

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

"Junk vehicle" means any vehicle that meets all of the following criteria: (1) Three years old or older; (2) apparently inoperable; (3) extensively damaged, including, but not limited to any of the following: missing wheels, tires, engine or transmission.

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

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

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

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

"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.

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

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

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

"Lot coverage" means the percentage of the total lot area that is occupied by the total horizontal area of all buildings, structures, parking areas, hard surfaced, paved, or graveled areas, trash containment areas, and other covered areas on a lot.

"Lot measurements" A lot shall be measured as follows:

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

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

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

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

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

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

"Lot line, rear" means the boundary of a lot which is parallel or within forty-five (45) degrees of being parallel to the front lot line. 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 that is neither a front lot line nor a rear lot line.

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

"Major Thoroughfare" shall be defined as S.R. 87 (Kinsman Road) and S.R.44 (Ravenna Road).

"Manufactured building" means a building that is designed and constructed for transportation to a site for installation and use when connected to required utilities; and is either an independent, individual building or a module for combination with other elements to form a building on the site.

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

"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 non-self propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

"Mobile home park" means a lot where two (2) or more mobile homes are parked, or which is used or held out for the purpose of supplying to the public a parking space for two (2) or more mobile homes.

"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.

"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:

- A. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
- B. The female breast with less than a fully opaque covering on any part of the areola.

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

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

"Outdoor display" means open areas used to exhibit or represent a fair sample of goods or services primarily purveyed within the main building on the same lot. The merchandise on display shall be removed from its shipping packaging and be representative of merchandise that is available for purchase inside the building.

"Outdoor Storage" means limited storage of equipment, material, machinery or vehicles outside enclosed buildings for more than twenty-four (24) hours, except for merchandise placed in an area for outdoor display. Outdoor storage includes waste material in containers except for incidental accessory trash receptacles, which are excluded from this definition.

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

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

"Personal wireless services" means 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).

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

"Private road or street" 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 or street" 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 price? (For example, does marketplace competition force providers to stay fairly priced?)

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

"Recreational vehicle" means a 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.

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

"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 an institution, public or private, where general education, learning, or training is conducted.

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

"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 re-melting purposes.

"Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface.

"Sediment Control" means the limiting of sediment transport by controlling erosion, filtering sediment from water, or detaining sediment-laden water allowing sediment to settle.

"Sediment pollution" means failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling or other soil disturbing activities on land used or being developed or built upon for commercial, industrial, residential, or other non-agricultural 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 vehicles accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributor parts.
2. Tire servicing and repair, but not recapping or re-grooving.
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 food, 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 rest room 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 except as provided in Section 6.03.

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

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

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

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

"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.

"Shed" means a permanent or temporary accessory building not exceeding one hundred twenty (120) square feet.

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

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

"Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttocks, and the female breast at a point immediately above or below the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means any of the following:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast;
- C. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- D. Masturbation, actual or simulated; or
- E. Excretory functions as part of, or in connection with, any of the activities set forth hereinabove.

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

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

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

"Structure" means anything constructed, the use of which 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 structure such as bearing walls, columns, beams, or girders.

"Subdivision, Major" means any division of real property other than a minor subdivision, unless such division is specifically exempted from its regulations, which requires the submission of a plat to the planning commission in accordance with these regulations.

"Subdivision, Minor" notwithstanding the provisions of sections 711.001 to 711.13, inclusive, of the Ohio Revised Code, a proposed division of a parcel of land along an existing public street or road, not involving the opening, widening, or extension of any street or road, and involving no more than five (5) lots after the original tract has been completely subdivided, and submitted to the planning commission for the approval without plat in accordance with these regulations.

"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.

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

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

"Telecommunications tower" means any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth on 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 Newbury Township, Geauga County, Ohio.

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

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

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

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

"Video viewing booth or arcade booth" means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video tape, laser disc, cd-rom, books, magazines or periodicals) for observation by patrons therein. A video-viewing booth or arcade booth shall not mean a theater, motion picture theater, playhouse, or a room or enclosure within a building or portion thereof that contains more than nine (9) square feet of floor area.

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

"Wetland" means an area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, fens, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

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

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

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

"Wireless 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.

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

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

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

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

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

"Yard sale" means a yard, garage, or barn sale. However designated, it is an occasional sale of a variety of used or new items.

"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 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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Zoning Districts and Official Map

Article III. Zoning Districts and Official Map**Section 3.00 Zoning Districts**

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

"R-1"	Residential District
"B-1"	Commercial/Business District
"M-1"	Industrial District
"P-O"	Professional Office District
"P-P"	Passive Park District
"A-P"	Active Park District

Section 3.01 Description of Zoning Districts

The following is a legal description of each zoning district listed in Section 3.0 of this resolution:

A. R-1 Residential District

This district is composed of all those lands in the Township which are not described specifically or by reference and thus are all those other lands in the Township which are included in B-1, M-1, A-P, P-P and P-O.

This residential district also includes the lake communities of Kiwanis, Hickory Dale, Punderson and Restful Lake which are recognized as pre-existing nonconforming lots of record, composed of those lands located in the following subdivisions:

1. Kiwanis Lake Subdivision #1 Vol. 1, page 44, Geauga County Record of plats
2. Kiwanis Lake Subdivision #2 Vol. 1, page 47, Geauga County Record of plats
3. Hickory Dale Allotment Vol. 4, page 29, Geauga County Record of Plats
4. Restful Lake Allotment Vol. 2, page 56, Geauga County Record of Plats
5. Punderson Lake Allotment #1 Vol. 2, page 35, Geauga County Record of plats
6. Punderson Lake Development Vol. 4, page 19, Geauga County Record of Plats

B. B-1 Commercial/Business District

1. Beginning on the western boundary line of a 1.12 acre parcel owned by Great Lakes Cheese Co., Inc., as recorded in Vol. 597, p. 364, Geauga County Record of Deeds at a point which is 400 feet north of Kinsman Road; thence east along a line that is 400 feet north of and always parallel to Kinsman Road to the western boundary line of a 2.57 acre parcel owned by J.A.Jr. & C. Livers and R.& G. Brown, Vol. 735, p. 7 & 9, Geauga County Record of Deeds; thence east along a line which is 400 feet north of and always parallel to Kinsman Road to the eastern boundary of a 7.057 acre parcel owned by R & W. Realty, Vol. 802, p. 323 Geauga County Record of Deeds; thence south along the said eastern boundary of said 7.057 acre parcel and continuing south to Kinsman Road; thence west along the centerline of Kinsman Road to the southwest corner of a 1.12 acre parcel owned by Great Lakes Cheese Co., Inc., Vol. 597, p. 364, Geauga County Record of Deeds; thence north 400 feet to the place of beginning.
2. Beginning at the southwest corner of a 3.0 acre parcel owned by F.M.& M.J. Klarich, Vol. 856, P. 435, Geauga County Record of Deeds; thence north along the western boundary line of said 3.0 acre parcel to its northwest corner; thence east along the northern boundary line of said 3.0 acre parcel continuing east along the northern boundary line of a 2.5 acre parcel owned by D. L. Daley, Vol. 783, p. 369, Geauga County Record of Deeds and continuing east along the northern boundary line of a 3.5 acre parcel owned by D.L. Daley, Vol. 720, p. 978, Geauga County Record of Deeds continuing due east in a line always parallel to Kinsman Road to the western boundary line of a 78.02 acre parcel owned by D. Teague, Vol. 247, p. 273 and Vol. 672, p. 567, Geauga County record of Deeds; thence south along said western boundary line of said 78.02 acre parcel to the northwest corner of a 1.5 acre parcel owned by D. Teague, Vol. 672, p. 561 and Vol. 443, p. 561; thence east along the southern boundary line of said 78.02 acre parcel owned by D. Teague, Vol. 247, p. 273 & Vol. 672, p. 567, Geauga County Record of Deeds to the southwest corner of a 3.491 acre parcel owned by T. & H. Owens, Vol. 546, p. 1179, Geauga County Record of Deeds; thence north along the western boundary line of said 3.491 acre parcel to its northwest corner; thence east along the northern boundary line of said 3.491 acre parcel to its northeast corner; thence south along the eastern boundary line of said 3.491 acre parcel to the northwest corner of a 2.72 acre parcel owned by H.R. Byler, Trustee, Vol. 574, p. 1286 and Vol. 848, p. 605, Geauga County Record of Deeds; thence east along the northerly boundary line of a 2.72 acre parcel to its northeast corner thence south along the eastern boundary line of said 2.72 acre parcel to the centerline of Kinsman Road; thence west along said centerline to the place of beginning.
3. Beginning at the southwest corner of a .98 acre parcel owned by R.W. Sidley, Inc., Vol. 400 p. 797, Geauga County Record of Deeds; thence north along the western boundary line of said .98 acre parcel and continuing north along the western boundary line of a 13.44 acre parcel owned by R.W. Sidley, Inc., Vol. 350, p.267, Geauga County Record of Deeds to a point which is 500 feet north of and always

parallel to the centerline of Kinsman Road. Thence east to a point on the western boundary line of a 5.5 acre parcel owned by Teague Bros. Shopping Center, Vol. 591, P. 52, Geauga County Record of Deeds; thence north along the western boundary line of said 5.5 acre parcel and continuing north along the eastern boundary line of said 13.44 acre parcel owned by R.W. Sidley, Inc. to the northeast corner of said 13.44 acre parcel; thence east along a line 1000 feet north of and always parallel to Kinsman Road to a point on the northwest corner of property owned by Donald R. Teague, Vol. 759, p. 618; thence south 500 feet to a point which is 500 feet north of Kinsman Road; thence east along a line which is 500 feet north of and always parallel to Kinsman Road to a point on the western boundary line of a 2.25 acre parcel owned by Jerry Craddock and Patricia J. Manzo-Craddock, Vol. 1665, P.1117, Geauga County Record of Deeds; thence south along the western boundary line of said parcel to its southwest corner; thence east along the southern boundary line of said 2.25 acre parcel to Auburn Road; thence south along the centerline of Auburn Road to the centerline of Kinsman Road; thence west along the centerline of Kinsman Road to the place of beginning.

4. Beginning at the intersection of Kinsman Road and Auburn Road; thence north along the centerline of Auburn Road to the southwest corner of a .395 acre parcel owned by Newbury Board of Education, Vol. 210, p. 624, Geauga County Record of Deeds; thence east along the southern boundary line of said parcel to its southeast corner; thence north along the easterly boundary line of said parcel to the northwest corner of a .33 acre parcel owned by Nacy Panzica, Vol. 1276, p. 1063, Geauga County Records of Deeds; thence east along then northern boundary line of said .33 acre parcel to its northeast corner; thence south along the eastern boundary of said .33 acre parcel to the southwest corner of a 20.75 acre parcel owned by Newbury Board of Education, Vol.515,p.354 and p.357, Geauga County Record of Deeds to a 43.50 acre parcel owned by the Newbury Investment Co., Vol. 631, p. 1010; thence north along the western boundary line of said 43.5 acre parcel to a point along this boundary line which is approximately 650 feet north of and always parallel to Kinsman Road; thence east along a line which is approximately 650 feet north of and always parallel to Kinsman Road to the westerly boundary line of a 4.14 acre parcel owned by Sacchetta Enterprises, Vol. 1188,p.531, Geauga County Record of Deeds; thence north along the westerly boundary line of said Sacchetta Enterprises parcel and continuing north along the westerly boundary line of a 12.94 acre parcel owned by Ricca Properties Ltd., Vol. 1195,p. 20, Geauga County Record of Deeds to its northwest corner; thence east along the northern boundary line of said Ricca Properties Inc. parcel to its northeast corner; thence south along the eastern boundary line of said Ricca Properties Inc. parcel to the centerline of Kinsman Road; thence west along the centerline of Kinsman Road to the place of beginning.
5. Beginning at a point which is the southeast corner of the intersection of Auburn Road and Kinsman Road; thence south along the centerline of Auburn Road 500 feet to a point; thence east along a line which is 500 feet south of and always parallel to Kinsman Road to the western boundary line of a 71.80 acre parcel owned by C. Ricca and J.F. McNish, Vol.731, p.455, Geauga County Record of Deeds; thence

north along said westerly boundary line of said Ricca and McNish parcel to the centerline of Kinsman Road; thence west along the centerline of Kinsman Road to the southeast corner of the intersection of Auburn Road and Kinsman Road, the place of beginning.

6. Beginning at a point which is the northwest corner of a 9.79 acre parcel of land owned by A.N. and I.B. Skinner, Vol.739, p.508, Geauga County Record of Deeds; thence south along the westerly boundary of said parcel 500 feet to a point; thence east along a line which is 500 feet south of and always parallel to Kinsman Road to the westerly boundary line of a 14.02 acre parcel owned by White Properties Ltd. and White Storage Properties, Vol.1193, pg. 1185, Geauga County Record of Deeds; thence north along said westerly boundary line to where it intersects the 4 acre parcel owned by A. Waltman, Vol.232, p.459, Geauga County Record of Deeds; thence north along the easterly boundary line of said parcel to the centerline of Kinsman Road; thence west along the centerline of Kinsman Road to the place of beginning.
7. Beginning at the intersection of the centerline of Kinsman Road and the centerline of Sperry Road; thence east along the centerline of Kinsman Road to the centerline of Auburn Road; thence south along the centerline of Auburn Road, a distance of 500 feet to a point; thence west along a line which is 500 feet south of and always parallel to Kinsman Road to a point on the easterly line of lands conveyed to the Board of Trustees of Newbury Township by deed recorded in Volume 331, Page 290 of Geauga County Deed Records; thence northerly along said easterly line of land so conveyed to the Board of Trustees of Newbury Township to the northeasterly corner thereof; thence westerly along the northerly line of land so conveyed to the Board of Trustees of Newbury Township to the northwesterly corner thereof; thence southerly along the westerly line of land so conveyed to the Board of Trustees of Newbury Township to a point which is 500 feet southerly from said centerline of Kinsman Road; thence westerly along a line which is 500 feet southerly of said centerline of Kinsman road to a point on the eastern boundary of a 1.60 acre parcel owned by A & S Goodman, Vol 552, P. 817, Geauga County Record of Deeds; thence south along the eastern boundary line of said 1.60 acre parcel and continuing south along the eastern boundary line of a 2.4 acre parcel owned by A & S Goodman, Vol. 552, P. 815 and Vol. 615, P. 974, Geauga County Record of Deeds to a point which is the northeast corner of a 5 acre parcel owned by D & A McDermott, Vol 451, P. 961; thence west along the northern boundary of said 5 acre parcel to the centerline of Sperry Road; thence north along the centerline of Sperry Road to the place of beginning.
8. Beginning at a point which is the intersection of Elm Drive and Kinsman Road; thence north along the centerline of Elm Drive a distance of 500 feet to a point; thence east along a line which is 500 feet north of and always parallel to Kinsman Road to a point which is directly north of the intersection of Portlew Road with Kinsman Road; thence south 500 feet along a line to the said intersection of Portlew

Road with Kinsman Road; thence west along the centerline of Kinsman Road to the place of beginning.

9. Beginning at a point which is the intersection of Kinsman Road with the eastern boundary line of the property of St. Helen's Church, Vol. 442, p. 82, Geauga County Record of Deeds; thence north along the said eastern boundary line of St. Helen's Church a distance of 500 feet to a point; thence east along a line which is 500 feet north of and always parallel to Kinsman Road to State Route 44 (Painesville-Ravenna Road); thence south along the centerline of State Route 44 a distance of 500 feet to Kinsman Road; thence west along the centerline of Kinsman Road to the place of beginning.
10. Beginning at a point where the eastern boundary line of Township intersects with Kinsman Road; thence west along the centerline of Kinsman Road to the intersection of Kinsman Road and State Route 44 (Painesville-Ravenna Road); thence north along the centerline of State Route 44 to the southern line of a 8.4 acre parcel of land owned by R. & L. Volin, Vol. 403, p. 77, Geauga County Record of Deeds; thence east along the said southern line of the said Volin property to a point on the eastern boundary line of the Township; thence south along the eastern boundary line of the Township to the place of beginning.
11. Beginning at a point where Kinsman Road intersects the eastern boundary line of the Township; thence south along the said eastern boundary line a distance of 1000 feet to a point; thence west along a line which is 1000 feet south of and always parallel to Kinsman Road to State Route 44 (Painesville-Ravenna Road); thence north along the centerline of State Route 44 to Kinsman Road; thence east along the centerline of Kinsman Road to the place of beginning.
12. Beginning at a point where Kinsman Road intersects State Route 44 (Painesville-Ravenna Road), which beginning point is also the northeast corner of a 1.10 acre parcel of land owned by A. Gazda, Vol. 243, p. 394, Geauga County Record of Deeds; thence south along the centerline of State Route 44 to the southeast corner of a 3.18 acre parcel of land owned by A. Gazda, Vol. 259, p. 3; thence west along the southern boundary line of the said 3.18 acre Gazda parcel to its southwest corner; thence north along the western boundary line of the said 3.18 acre Gazda parcel to its northwest corner; thence east along the northern boundary line of the said 3.18 acre Gazda parcel to the southwest corner of the 1.10 acre Gazda parcel; thence north to the centerline of Kinsman Road; thence east along the centerline of Kinsman Road to the place of beginning.

C. M-1 Industrial District

1. Beginning on the western boundary line of a 1.12 acre parcel owned by Great Lakes Cheese Co., Inc., as recorded at a point which is 400 feet north of Kinsman Road; thence north to the southern boundary line of a 7.46 acre parcel owned by E. & S. Spryszak, as recorded in Vol. 296, p. 1, Geauga County Record of Deeds; thence east to the southwest corner of a 1.32 acre parcel owned by R. Moldaver, as recorded

- in Vol. 243, p. 299, Geauga County Record of Deeds; thence north along the western boundary line of said Moldaver parcel to its northwest corner; thence east along a line which is parallel to Kinsman Road to the northeast corner of a 5.05 acre parcel owned by P.E. Wilkes, as recorded in Vol. 714, p. 307, Geauga County Record of Deeds; thence south to a point which is the northwest corner of a .915 acre parcel owned by P.E. Wilkes as recorded in Vol. 484, p. 496, Geauga County Record of Deeds; thence east along a line parallel to Kinsman Road to a point which is the northeast corner of a 9.085 acre parcel owned by O.U. Heilman and A.M. Starkey as recorded in Vol. 451, p. 697 and Vol. 550, p. 236, Geauga County Record of Deeds; thence south to a point which is 400 feet north of Kinsman Road; thence west along a line which is parallel to Kinsman Road to the place of beginning.
2. Beginning at a point 810 feet east of the centerline of Sperry Road and 500 feet south of the centerline of Kinsman Road; thence south parallel to Sperry Road to the northern boundary line of tract 3; thence east to a point which is 500 feet west of Munn Road; thence north along a line parallel to Munn Road to a point which is 500 feet south of the centerline of Kinsman Road; thence west along a line which is 500 feet south of and always parallel to Kinsman Road to the place of beginning.
 3. Beginning at a point that is 500 feet south of the centerline of Kinsman Road and 500 feet east of the centerline of Munn Road; thence east along a line which is 500 feet south of and always parallel to Kinsman Road to a point in the Westerly line of lands conveyed to the Board of Trustees of Newbury Township by deed recorded in Volume 331, Page 290 of Geauga County Deed Records; thence southerly along said westerly line of lands so conveyed to the Board of Trustees of Newbury Township to the southwesterly corner thereof; thence easterly along the southerly line of land so conveyed to the Board of Trustees of Newbury Township to the southeasterly corner thereof; thence northerly along the easterly line of land so conveyed to the Board of Trustees of Newbury Township to a point which is 500 feet southerly of said centerline of Kinsman Road; thence easterly along a line which is 500 feet southerly of said centerline of Kinsman Road to a point which is 500 feet west of the centerline of Auburn Road; thence south along a line which is 500 feet west of and always parallel to Auburn Road to the northern boundary of a 5.01 acre parcel owned by W. & C. Zappia, Vol 476, p 64, Geauga County Record of Deeds; thence west along the northern boundary of said parcel to the northwest corner of said Zappia parcel; thence south to the northern boundary line of tract 3; thence west along the northern boundary line of tract 3, as found on the Geauga County Engineer's maps as of January 1, 1965, to the southeast corner of a 35 acre parcel owned by Carl S. Bush, Vol. 843, p. 1031, Geauga County Record of Deeds; thence north along the easterly boundary line of said 35 acre parcel to its northeast corner; thence west along the northern boundary line of said 35 acre parcel to the southwest corner of a 5 acre parcel owned by D.P. Locher, Vol 524, p 284 and Vol 826, p 1220; thence north along a line parallel to Munn Road to the place of beginning

4. Starting in the centerline of Kinsman Road at the southwest corner of a .98 acre parcel owned by R.W. Sidley, Inc., Vol. 400, p. 797, Geauga County Record of Deeds; thence north along the western boundary line of said .98 acre parcel and continuing north along the western boundary line of a 13.44 acre parcel owned by R.W. Sidley, Inc., Vol. 350, p. 267, Geauga County Record of Deeds a total of 500 feet to the place of beginning; then continuing north along the western boundary line of said 13.44 acre parcel and continuing north along a line which is the prolongation of the western boundary line of said 13.44 acre parcel a distance which is a total of 1065.53 feet from the place of beginning, which total is reflected in the Agreed Judgment Entry in case no. M498 (Teague vs. Newbury Township Board of Trustees) in the Court of Common Pleas of Geauga County; thence west along a line which is always parallel to Kinsman Road a distance of 1065.53 feet to a point; thence south to the northwest corner of a 3.491 acre parcel owned by T & H Owens, Vol. 546, P. 1179, Geauga County Record of Deeds; thence east along the northern boundary line of said 3.491 acre parcel to its northeast corner; thence southerly along the eastern boundary line of said 3.491 acre parcel to a point which is 500 feet north of the centerline of Kinsman Road; thence east along a line which is 500 feet north of and always parallel to Kinsman Road to the place of beginning.
5. Beginning at a point approximately 185 feet west of the intersection of State Route 44 (Painesville-Ravenna Road) and Kinsman Road which beginning point is also the northwest corner of a 1.10 acre parcel of land owned by A. Gazda, Vol. 243, p. 394, Geauga County Record of Deeds, and which beginning point is also the northeast corner of a 8.51 acre parcel of land owned by B.& L. Kaufman, Vol. 486, p. 540, Geauga County Record of Deeds; thence south along the western boundary line of said 1.10 acre Gazda parcel a distance of approximately 300 feet to a point which is the southwest corner of the said 1.10 acre Gazda parcel; thence west along the northern boundary line of a 3.18 acre parcel of land owned by A. Gazda, Vol. 259, p. 3, Geauga County Record of Deeds to its northwest corner; thence south along the western boundary line of the said 3.18 acre parcel to its southwest corner, which southwest corner is also the northwest corner of a 5.09 acre parcel of land owned by B. & L. Kaufman, Vol. 508, p. 156, Geauga County Record of Deeds; thence east along the northern boundary line of the said 5.09 acre Kaufman parcel a distance of approximately 450 feet to State Route 44; thence south along the centerline of State Route 44 to the southeast corner of the said 5.09 acre Kaufman parcel; thence west along the southern boundary line of the said 5.09 acre parcel to the 8.51 acre Kaufman parcel to its southwest corner; thence north along the western boundary line of the said 8.51 acre Kaufman parcel to Kinsman Road; thence east along the centerline of Kinsman Road a distance of approximately 675 feet to the place of beginning.

D. P.O. Professional Office District

1. Beginning at the intersection of Kinsman Road and Sperry Road; thence north along the centerline of Sperry Road to a point which is the northeast corner of a 1 acre parcel owned by D.M. Yaecker, Vol. 239, p. 42 and Vol. 802, p. 350, Geauga

County Record of Deeds; thence west along the northern boundary line of said 1 acre parcel and continuing due west along a prolongation of said northern boundary line to a point on the eastern boundary line of a 2.511 acre parcel owned by R.& D. Hardesty, Vol. 625, p. 167, Geauga County Record of Deeds; thence south along the eastern boundary line of said 2.511 acre parcel and continuing south along the eastern boundary line of a 1.60 acre parcel owned by E. Gerber, Vol. 821, p. 83, Geauga County Record of Deeds to Kinsman Road; thence east along Kinsman Road to the place of beginning.

2. Beginning at the intersection of Kinsman Road and Sperry Road; thence north along Sperry Road to a point which is the northwest corner of a 2.85 acre parcel owned by Great Lakes Cheese Co., Inc, Vol. 856, p. 29, Geauga County Record of Deeds; thence east along the northern boundary of said 2.85 acre parcel to its northeast corner; thence south along the eastern boundary line of said 2.85 acre parcel and continuing south along the eastern boundary line of a 2.15 acre parcel owned by Ardman Broadcasting Corp. Vol. 801, p. 478, Geauga County Record of Deeds and continuing south along the western boundary of a 1.12 acre parcel owned by Great Lakes Cheese Co., Inc, Vol 597, p. 364, Geauga County Record of Deeds to Kinsman Road; thence west along Kinsman Road to the point of beginning.
3. Beginning at the southwest corner of a 3.0 acre parcel owned by F.M.& M.J. Klarich, Vol. 856, p. 435, Geauga County Record of Deeds; thence north along the western boundary line of said 3.0 acre parcel to its northwest corner; thence west along a line which is parallel to Kinsman road to a point which is the northeast corner of a 3.13 acre parcel owned by A. LaBondano, Vol. 856, p. 492, Geauga County Record of Deeds and continuing west along the northern boundary line of said 3.13 acre parcel and continuing west along the northern boundary line of a 2.433 acre parcel owned by B.P. Bushek, Vol. 750, p. 114, Geauga County Record of Deeds and continuing west along the northern boundary line of a 2.4334 acre parcel owned by Colini Landscape, Inc., Vol. 843, p.636, Geauga County Record of Deeds and continuing west along the northern boundary line of a 2.4334 acre parcel owned by D.& R. Collini, et.al., Vol 845, p. 353, Geauga County Record of Deeds and Revised effective 02/05/99 continuing along the northern boundary line of a 6.35 acre parcel owned by Financial Fund, Vol. 859, p. 543, and continuing west along the northern boundary line of a 1.825 acre parcel owned by Harr-Rich Enterprises, Vol. 692,p. 372, to its northwest corner; thence south along the western boundary line of said 1.825 acre parcel to Kinsman Road; thence east along Kinsman Road to the place of beginning.
4. Beginning at the northwest corner of a 4.0 acre parcel owned by W.& S. Fenshaw Sr., Vol. 496, p. -157 and Vol. 734, p. 1027, Geauga County Record of Deeds; thence south along the western boundary line of said 4.0 acre parcel to the southwest corner of a parcel owned by M.& R. Zappia, vol. 304, p. 102 and Vol. 733, p. 986, Geauga County Record of Deeds; thence east along the south boundary line of said Zappia parcel to its southeast corner; thence north along the eastern boundary line of said Zappia parcel to a point which is the northwest corner of a 1.0 acre parcel

owned by M. Stanek, Vol. 454, p. 626; thence east along the northern boundary line of said Stanek parcel to Sperry Road; thence north along Sperry Road to its intersection with Kinsman Road; thence west along Kinsman Road to the place of beginning.

5. Beginning at the southeast corner of a 2.25 acre parcel owned by Jerry Craddock and Patricia J. Manzo-Craddock, Vol. 1655, p. 1117, Geauga County Record of Deeds; thence west along the southern boundary line of said 2.25 acre parcel to its southwest corner; thence north along the western boundary line of said 2.25 acre parcel to a point along the southern boundary line of a 1.186 acre parcel owned by Eugene F. Teague and Marcella M. Teague, Vol. 1023, p. 362, Geauga County Record of Deeds; thence west along southern boundary line of said 1.186 acre parcel to its southwest corner; thence north along the western boundary line of said 1.186 acre parcel to its northwest corner; thence east along the 1.186 acre parcel to the centerline of Auburn Road; thence south to the place of beginning.

E. P-P Passive Park District

1. Beginning at a point in the centerline of Cedar Road, 60 feet wide, at the Northwesterly corner of subplot 13F in the Fair Rock Development as shown by plat recorded in Volume 6, Page 51 of Geauga County Plat Records. Thence South 0°11"00" East, along the Westerly line of said Fair Rock Development a distance of 20.00 feet to a point and the principle place of beginning of the premises herein intended to be described; Thence Southerly along said Westerly line of the Fair Rock Development to the Northeasterly corner of land conveyed to C. Richard Brubaker by deed recorded in Volume 956, Page 978 of Geauga County Deed Records; Thence Westerly along the Northerly line of land so conveyed to C. Richard Brubaker, to the Northwesterly corner thereof in the Easterly line of land conveyed to Jane McCullam by deed recorded in Volume 909, Page 1137 of the Geauga County Deed Records; Thence Northerly along said Easterly line of land so conveyed to Jane McCullam to the Northeasterly corner thereof; Thence Westerly along the Northerly line of land so conveyed to Jane McCullam to the Easterly line of Original Lot No. 3, Tract No. 1; Thence Northerly along said Easterly line of Original Lot No. 3, to the Southerly line of Munson Township; Thence Easterly along said Southerly line of Munson Township to the Westerly line of land conveyed to John D. Leech by deed recorded in Volume 1599, Page 976 of Geauga County Deed Records; Thence Southerly along said Westerly line of land so conveyed to John D. Leech to the most Southwesterly corner thereof; Thence Easterly along the most Southerly line of land so conveyed to John D. Leech to the most Southwesterly corner thereof; Thence Northerly along the Easterly line of land so conveyed to John D. Leech to said Southerly line of Munson Township; Thence Easterly along said Southerly line of Munson Township to a point at its intersection with a Southerly line of land so conveyed to John D. Leech; Thence Easterly along said Southerly line of land so conveyed to John D. Leech to the principle place of beginning as

described on January 9, 2004 by Rudy E. Schwartz, P.S. 7193 be the same more or less, but subject to all legal highways and easement of record

2. Beginning at a point in the centerline of Hotchkiss Road (60 feet wide) at its intersection with the centerline of Pond Road (60 feet wide); Thence Northeasterly along said centerline of Hotchkiss Road to the Westerly line of Burton Township; Thence Southerly along said Westerly line of Burton township to said centerline of Pond Road; Thence Northwesterly along said centerline of Pond Road to the Place of Beginning as described from recorded information on May 20,2003 by Rudy E. Schwartz P.S. No. 7193 be the same more or less but subject to all legal highways and easements of record.
3. Beginning at a point in the centerline of Kinsman Road (State Route 87) 60 feet wide at the Northwesterly corner of the First Parcel of lands conveyed to William Fenshaw Sr. and Stella M. Fenshaw, by deed recorded in Volume 496, Page 157 and Volume 734, Page 1027 of Geauga County Deed Records; Thence Southerly along the Westerly line of said First Parcel and the Westerly line of the Second Parcel of land so conveyed to William Fenshaw Sr. and Stella M. Fenshaw, to the Southwesterly corner of said Second Parcel also being a Northwesterly corner of land conveyed to Michael P. and Rose M. Zappia by deed recorded in Volume 733, Page 986 of Geauga County Deed Records; Thence Southerly along the Westerly line of land so conveyed to Michael P. and Rose M. Zappia and along the Westerly line of Kinsman Road Acres Subdivision as shown by plat recorded in Volume 6, Page 149 of Geauga County Plat Records, to the Southwesterly corner of Sublot No. 51 in said Kinsman Road Acres Subdivision; Thence Easterly along the Southerly line of said Sublot No. 51, to the Southeasterly corner thereof in the centerline of Sperry Road, 60 feet wide; Thence Southerly along said centerline of Sperry Road, to a point at the Northeasterly corner of Sublot No. 53 in said Kinsman Road Acres Subdivision; Thence Westerly along the Northerly line of said Sublot No. 53, to the Northwesterly corner thereof; Thence Southerly along the Westerly line of said Sublot No. 53, to the Southwesterly corner thereof; Thence Easterly along the Southerly line of said Sublot No. 53, to the Northwesterly corner of Parcel No. 2 of lands conveyed to Billie H. Steffee by deeds recorded in Volume 804, Page 120 and Volume 967, Page 296 of Geauga County Deed Records; Thence Southerly along the Westerly line of said Parcel No. 2, to the Southwesterly corner thereof in the Northerly line of Parcel No. 1 of lands so conveyed to Billie H. Steffee, said Northerly line also being the Northerly line of Original Lot No. 1, Tract No. 3; Thence Westerly along said Northerly line of Parcel No. 1 of land so conveyed to Billie H. Steffee to the Northwesterly corner thereof; Thence Southerly along the Westerly line of said Parcel No. 1, to the Northeasterly corner of land conveyed to Roxanne Miller by deed recorded in Volume 1350, Page 291 of Geauga County Deed Records; Thence Westerly along the Northerly line of land so conveyed to Roxanne Miller, and the Northerly line of land conveyed to Carolyn E. Balogh by deeds recorded in Volume 712, Page 654 and Volume 842, Page 164 of Geauga County Deed Records, to the

Northwesterly corner of land so conveyed to Carolyn E. Balogh in the Easterly line of land conveyed to Annette S. Belkin Trustee by deed recorded in Volume 1214, Page 160 of Geauga County Deed Records; Thence Northerly along said Easterly line of land so conveyed to Annette J. Belkin Trustee, to the Northeasterly corner thereof in said Northerly line of Original Newbury Lot No. 1, Tract No. 3; Thence Westerly along the Northerly line of land so conveyed to Annette J. Belkin Trustee, to the Northwesterly corner thereof in the Easterly line of Russell Township; Thence Northerly along said Easterly line of Russell Township to the Southerly line of land conveyed to American Society for Metals by deeds recorded in Volume 945, Page 1208 and Volume 477, Page 252 of Geauga County Deed Records; Thence Easterly along the Southerly line of land so conveyed to the American Society for Metals to a Southeasterly corner thereof; Thence Northerly along an Easterly line of land so conveyed to the American Society for Metals to an interior corner thereof; Thence Easterly along a Southerly line of land so conveyed to the American Society for Metals to a southeasterly corner thereof; Thence Northerly along the Easterly line of land so conveyed to the American Society for Metals to said centerline of Kinsman Road; Thence Easterly along said centerline of Kinsman Road to the Place of Beginning as described from recorded information on May 12, 2002 by Rudy E. Schwartz, P.S. No. 7193 be the same more or less but subject to all legal highways and easements of record.

F. A-P Active Park District

1. Beginning at the Southeasterly corner of land conveyed to William P. Wingate by deed recorded in Volume 779, Page 657 of Geauga County Deed Records in a Westerly line of land conveyed to Glen H. Frohring by deed recorded in Volume 633, Page 1283 of Geauga County Deed Records; Thence Southerly along said Westerly line of land so conveyed to Glen H. Frohring to an interior corner thereof; Thence Westerly along a Northerly line of land so conveyed to Glen H. Frohring and along the Northerly line of a 21.50 acre parcel of land conveyed to Edith and Robert S. Berger by deed recorded in Volume 661, Page 237 of Geauga County Deed Records to the Easterly line of land conveyed to Osborne Concrete and Stone Company by deed recorded in Volume 625, Page 1228 of Geauga County Deed Records, also being the Easterly line of Original Lot No. 12; Thence Northerly along said Easterly line of land so conveyed to Osborne Concrete and Stone Company, and along the Easterly line of land conveyed to William A. and G. Boyd by deed recorded in Volume 803, Page 484 of Geauga County Deed Records to the Southwesterly corner of land conveyed to Charles A. and J. Varner by deed recorded in Volume 576, Page 806 of Geauga County Deed Records; Thence Easterly along the Southerly line of land so conveyed to Charles A. and J. Varner and along the Southerly line of land so conveyed to William P. Wingate to the Place of Beginning as described from record information on May 20, 2003 by Rudy E. Schwartz, P.S. No. 7193 be the same more or less but subject to all legal highways and easements of record.

2. Beginning at a point in the centerline of Ravenna Road at its intersection with the centerline of Music Street; Thence Westerly along the centerline of Music Street to the Southeasterly corner of land conveyed to A.H. Jackson Trustee by deed recorded in Volume 1170, Page 188 of Geauga County Deed Records; Thence Northerly along the Easterly line of land so conveyed to A.H. Jackson Trustee and along the Easterly line of land conveyed to J.L. and J.A. Pascoe by deed recorded in Volume 855, Page 538 of Geauga County Deed Records to the Northeasterly corner thereof in the Southerly line of said Tract No. 2; Thence Westerly along said Southerly line of Tract No. 2, also being the Northerly line of land so conveyed to J.L. and J.A. Pascoe and along the Northerly line of land conveyed to B. and L.N. Calkins by deed recorded in Volume 899, Page 747 of Geauga County Deed Records to the Southeasterly corner of land conveyed to Ricca Properties LTD. by deed recorded in Volume 1195, Page 20 of Geauga County Deed Records; Thence Northerly along the Easterly line of Ricca Properties LTD. and along the Easterly line of land conveyed to BJR Asset Management Company by deed recorded in Volume 1195, Page 18 of Geauga County Deed Records to a point in the centerline of Kinsman Road; Thence Easterly along said centerline of Kinsman Road and along the centerline of Portlew Road to the Northwesterly corner of land conveyed to M. Petrof by deed recorded in Volume 881, Page 605 of Geauga County Deed Records; Thence Southerly along the Westerly line of land so conveyed to M. Petrof to a point in said centerline of Kinsman Road; Thence Easterly along said centerline of Kinsman Road to the Southeasterly corner of land conveyed to D. & J. Pearson by deed recorded in Volume 704, Page 126 of Geauga County Deed Records; Thence Northerly along the Easterly line of land so conveyed to D. & J. Pearson to a point in said centerline of Portlew Road; Thence Easterly along said centerline of Portlew Road to a point in the centerline of Stone Road; Thence Northerly along said centerline of Stone Road to the Southwesterly corner of said Original Lot No. 2, also being the Southwesterly corner of land conveyed to Debra Baxter by deed recorded in Volume 859, Page 771 of Geauga County Deed Records; Thence Easterly along the Southerly line of said Original Lot No. 2, also being the Southerly line of land so conveyed to A. and T. Gazda and along the Southerly line of land conveyed to The Silver Family Partnership Ltd. by deed recorded in Volume 1154, Page 376 of Geauga County Deed Records to a point in said centerline of Kinsman Road; Thence Easterly along said centerline of Kinsman Road to the Northwesterly corner of land conveyed to LARC ONE, LLC by deed recorded in Volume 1530, Page 342 of Geauga County Deed Records; Thence Southerly along the Westerly line of land so conveyed to LARC ONE, LLC to the Southwesterly corner thereof; Thence Easterly along the Southerly line of land so conveyed to LARC ONE, LLC to the Southeasterly corner thereof in the Westerly line of land conveyed to John P. Bond by deed recorded in Volume 1300, Page 1159 of Geauga County Deed Records; Thence Southerly along said Westerly line of land so conveyed to John P. Bond to the Southwesterly corner thereof; Thence Easterly along the Southerly line of land so conveyed to John P. Bond to the Northwesterly corner

of land conveyed to Robert R. Wantz by deed recorded in Volume 1368, Page 1095 of Geauga County Deed Records; Thence Southerly along the Westerly line of land so conveyed to Robert R. Wantz to the Southwesterly corner thereof in the Northerly line of land conveyed to John James Holmes by deed recorded in Volume 417, Page 863 of Geauga County Deed Records; Thence Westerly along said Northerly line of land so conveyed to John James Holmes to the Northwesterly corner thereof in the Easterly line of Original Lot No. 17; Thence Southerly along said Easterly line of Original Lot No. 17, also being the Westerly line of land so conveyed to John James Holmes and along the Westerly line of land conveyed to R.A. Ziemak and J.A. Kowalski by deed recorded in Volume 828, Page 701 of Geauga County Deed Records and along the Westerly line of land conveyed to M. Powell by deed recorded in Volume 243, Page 631 of Geauga County Deed Records to the Southwesterly corner of land so conveyed to M. Powell in the Northerly line of Original Lot No. 10; Thence Easterly along said Northerly line of Original Lot No. 10 and along the Northerly line of said Original Lot No. 11, also being the Southerly line of land so conveyed to M. Powell to the Northerly line of Parcel No. 9 of lands conveyed to the State of Ohio by deed recorded in Volume 225, Page 549 of Geauga County Deed Records; Thence Easterly along said Northerly line of said Parcel No. 9 to the Northeasterly corner thereof in said centerline of Ravenna Road; Thence Southerly along said centerline of Ravenna Road to the Southeasterly corner of said Parcel No. 9; Thence Westerly along the Southerly line of said Parcel No. 9 to the Northwesterly corner of land conveyed to B.W. and P.J. Bode by deed recorded in Volume 1476, Page 667 of Geauga County Deed Records; Thence Southwesterly along the Westerly line of land so conveyed to B.W. and P.J. Bode to an angle point therein; Thence Southerly along the Westerly line of land so conveyed to B.W. and P.J. Bode and along the Westerly line of land conveyed to J. and E. Boyd by deeds recorded in Volume 61, Page 223 and Volume 855, Page 43 of Geauga County Deed Records to the most Southwesterly corner of land so conveyed to J. and E. Boyd; Thence Easterly along the most Southerly line of land conveyed to J. and E. Boyd and along the Southerly line of land conveyed to R.M. and M.E. Szoradi by deed recorded in Volume 1012, Page 366 of Geauga County Deed Records to a point in said centerline of Ravenna Road; Thence Southwesterly along said centerline of Ravenna to the Place of Beginning as described from record information on September 30, 2003 by Rudy E. Schwartz, P.S. No. 7193 be the same more or less but subject to all legal highways and easements of record.

Section 3.02 *Official Zoning Map*

The boundaries of the zoning districts listed in Section 3.00 and described Section 3.01 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 3.01, the legal description of the zoning district shall be controlling. The official township-zoning map shall be identified

by the signatures of the township trustees and attested to by the township fiscal officer together with the date of its adoption and the effective date.

Section 3.03 *Location of Official Zoning Map*

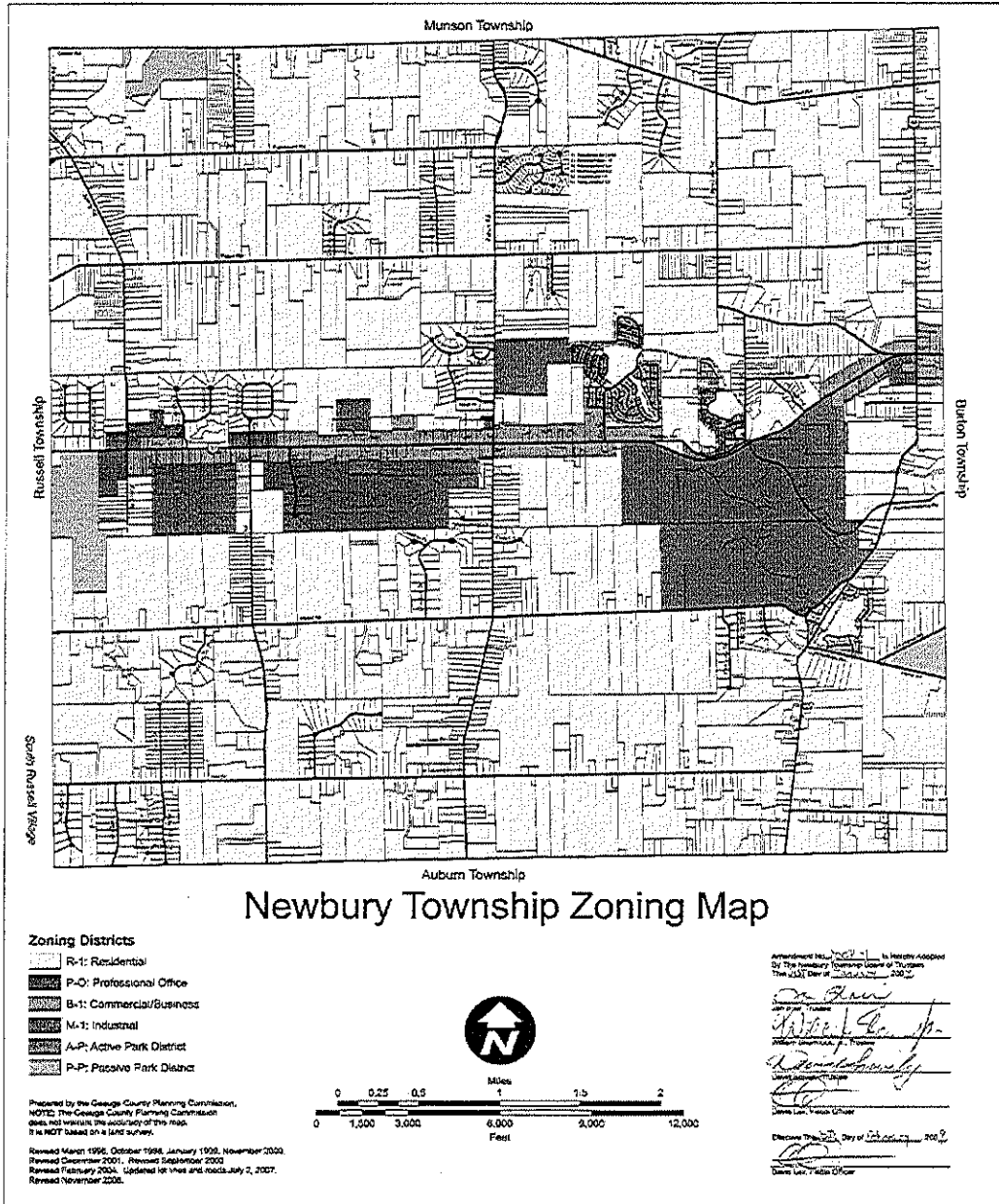
The official township zoning map shall be located in the office of the township fiscal officer, who shall be responsible for its custody and safe-keeping, and shall not be removed there from except by township officials for the purpose of conducting township business.

Section 3.04 *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 XIX of this resolution.

All amendments to the official township zoning map shall be made by adopting a new official township zoning map which shall be identified by the signatures of the township trustees and attested to by the township fiscal officer together with the date of its adoption and its effective date. Said map shall be located in the office of the township fiscal officer and kept together with the original township zoning map and all other amended zoning maps in the manner provided in Section 3.01

Township Zoning Map



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District Regulations

Article IV. District Regulations**Section 4.00 General**

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

Section 4.01 Prohibited Uses in All Zoning Districts

- A. Any use not specifically listed in this resolution shall not be permitted, nor shall any Zoning Certificate be issued therefore, unless and until a zoning amendment to provide for such use has been adopted in accordance with Article XIX or a use variance has been granted in accordance with Article XVII.
- B. Lighting fixtures and devices from which direct glare is visible on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.
- C. Mobile homes shall be prohibited; except as permitted under § 4.05.
- D. Trailer coach or mobile home parks shall be prohibited.
- E. Junk motor vehicles shall be prohibited. No junk motor vehicle, as defined herein, shall be stored or located outside of a fully enclosed building.
- F. Junkyards, automobile graveyards, and automotive wrecking shall be prohibited.
- F. Metallic powder works shall be prohibited.
- G. Chemical plants shall be prohibited.
- H. Chemical storage and distribution plants shall be prohibited.
- I. Crematories shall be prohibited.

- J. Distilling of bones, fat or glue, or glue or gelatin manufacturing shall be prohibited.
- K. Manufacturing or storage of explosives, gunpowder, or fireworks shall be prohibited.
- L. Dumping, storing, burying, reducing disposing of or burning of garbage, refuse, scrap metal, rubbish, offal or dead animals shall be prohibited.
- M. The burning of all chemicals, asphalt, oil based products, pesticides, and tires shall be prohibited.
- N. Outdoor theaters shall be prohibited.
- O. Slaughterhouses shall be prohibited.
- P. Basements, without a story above, wholly or partially below the grade of the lot upon which located, for dwelling purposes, temporary or permanent shall be prohibited.
- Q. Commercial airfields shall be prohibited.
- R. Landfills for the burial or disposal of solid waste, hazardous liquid or solid waste shall be prohibited.
- S. All Adult Oriented Business except as specified in Article XXIII shall be prohibited.
- T. The manufacture, distribution, or sale of drug paraphernalia, as herein defined and drug paraphernalia establishments shall be prohibited.
 - 1. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, enhancing the effect of or otherwise introducing into the human body a controlled substance as defined in Chapter 3719 of the Ohio Revised Code.
 - 2. "Drug paraphernalia establishment" means any place, whether or not operated as a business, within a building, structure or dwelling, or any part thereof, of any parcel located within the township where drug paraphernalia, as defined by this article, is manufactured, distributed or offered for sale.

Drug paraphernalia establishments do not include manufacturers, practitioners, pharmacists, owners of pharmacies or other persons who conduct a business or profession in accordance with Chapters 3719, 4715, 4729, 4731, and 4741 of the Ohio Revised Code.
- U. Amusement arcades shall be prohibited.

1. "Amusement arcade" means a place of business having five (5) or more mechanical or electrically operated amusement devices which are used for the purpose of public entertainment through the operation, use or play, or any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key or token of value obtained by payment of a fee.
 2. "Mechanical or electrically operated amusement device" means any machine, device, or instrument which by the payment of a fee or other things of value or by the insertion of a coin, plate, disc, slug, key, or token operates or may be operated as a game, contest or amusement, or 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.
- V. The composting, dumping, storing or disposal of trees, logs, stumps or branches other than those items grown on the lot shall be prohibited except as provided in Section 5.02(C)(1) and Section 7.02 (D).
- W. All asphalt production plants and asphalt-processing plants shall be prohibited.
- X. All cement or concrete recycling or reclamation processing plants shall be prohibited.
- Y. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to emission of odor, smoke, fumes, cinders, dust, noise, gas, vibration, electrical interference, refuse matter, water carried wastes, or which will interfere with adjacent landowners' enjoyment of the use of their lands

Section 4.02 *Yard Sales*

In any district, no owner or user shall be permitted to conduct a yard or garage sale more often than twice a calendar year and no such sale may be conducted for more than three consecutive days, including Saturdays and Sundays. All items displayed for sale on a lot shall be located outside the public or private road right of way. Within 24 hours from said sale all items that were on sale must be removed from outside display. Prior to conducting a yard or garage sale, an owner or user must obtain a Zoning Certificate from the zoning inspector, for which no fee is required.

Section 4.03 *Erosion Control Regulations in All Zoning Districts*

In all zoning districts, an erosion control shall be included with an application for a Zoning Certificate for the construction of all principal permitted, accessory or conditional buildings, structures, and off street parking or loading/unloading areas allowed by this resolution and any additions thereto on lots less than five (5) acres in size; provided, however, an erosion control plan shall not be required for any principal permitted, accessory or conditional buildings, structures, and off-street parking or loading/unloading areas or any additions thereto containing less than three hundred (300) square feet in area. If the lot is five (5) or more acres in area, the applicant shall include with an application for a Zoning Certificate written documentation from the Geauga Soil and Water Conservation District (SWCD) that an erosion control plan has been submitted and approved for the subject lot.

- A. An erosion control plan shall be prepared by the applicant, a professional engineer registered with the state of Ohio, a soils scientist, or a private contractor and must address temporary and permanent measures for controlling erosion during and following construction. The content of the plan and such temporary and permanent measures to control erosion shall meet all requirements for sediment and erosion control contained within the Geauga Soil and Water Conservation District regulations.
- B. An erosion control plan shall be submitted by the applicant to the Zoning Inspector. The Zoning Inspector shall advise the applicant that the plan may be forwarded by the Zoning Inspector to the Geauga Soil and Water Conservation District for technical assistance and review.
- C. All areas affected by earth disturbing activities on a lot shall be permanently seeded and mulched pursuant to the erosion control plan within one hundred twenty (120) days after the date an occupancy permit has been issued by the Geauga County Building Department. If said permit is issued between the time period of November 1 to April 15 of the following calendar year, temporary stabilization measures pursuant to the erosion control plan shall be utilized.

Section 4.04 *Dish Antennas*

Dish antennas larger than one (1) meter in diameter shall be in the rear yard.

Section 4.05 *Temporary Uses*

Temporary Uses – The following regulations are necessary to govern the operation of certain uses which are non-permanent in nature. Application for a Zoning Certificate shall be made to the Zoning Inspector containing a graphic description of the proposed use and sufficient information to determine yard requirements, setbacks, sanitary facilities and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow, and the regulations of any district in which such use is located.

Temporary Offices – for real estate sales of lots within a new subdivision, contractors and equipment sheds incidental to a construction project, which shall contain no living accommodations, may be permitted within any district and shall be permissible only after the Zoning Inspector has issued a Zoning Certificate. The certificate shall not be valid for more than **one (1) year** but may be renewed for **six-month extensions** if construction is substantially underway. Such temporary offices shall be removed immediately upon completion of the sales of lots, or construction project, or upon expiration of the Zoning Certificate, whichever is applicable.

Mobile Home – The temporary placement of a mobile home upon a lot which already contains a residential structure may be permitted where the Zoning Inspector finds that catastrophic events, such as fires, windstorms, or other similar events which are fully described in the findings of the Inspector, exist such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to safety, health or general welfare.

An applicant for a Zoning Certificate under this section must include a written statement describing a lawful wastewater disposal system of the temporary mobile home location. Such a certificate may be initially issued for **one (1) year**, renewable for **six-month extensions** if construction is substantially underway or upon expiration of the Zoning Certificate, whichever occurs first.

Carnivals, Circuses, Tent Meetings, Bazaars, Festivals or Art Show – may be permitted on a lot in any non-residential zoning district and upon a church, school, a community center or township lot within any residential district. A Zoning Certificate application must be first filed with the Zoning Inspector at least seven (7) days prior to the commencement of the event. Such uses shall only be permitted on lots where adequate off street parking can be provided and shall not be permitted for a period of longer than **seven (7) days** including set up and breakdown. Hours of operation, open to the public, shall be no earlier than 8:00 a.m. and close no later than 10:00 p.m. on the days of the event. Set up and breakdown shall be permitted between the hours of 6:00 a.m. and 10:00 p.m. One day events can set up at 6:00 a.m., begin public operation at 8:00 a.m., close at 10:00 p.m., and breakdown by 11:00 p.m. Zoning Certificates for such temporary uses shall not be granted more than four (4) times per calendar year per lot.

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R-1 — Residential District

Article V. **R-1 — Residential District**Section 5.00 *Purpose*

To provide for low-density residential development and thereby protecting the quality of the limited natural resources available in the township, maximum density shall be no more than one single-family detached dwelling unit per each three (3) acres.

Section 5.01 *Permitted Principal Buildings, Structures, and Uses*

Single family detached dwellings, including manufactured buildings (other than mobile homes). There shall be no more than one (1) single family detached dwelling on a lot.

Section 5.02 *Permitted Accessory Buildings, Structures, and Uses*

- A. The following permitted accessory buildings, structures, and uses which are incidental or subordinate to the principal permitted building, structure, or use shall require the issuance of a Zoning Certificate.
1. Wind system devices.
 2. Off-street parking spaces in accordance with Article XI and shall have a minimum setback of sixty- (60) feet from the edge of the road right-of-way and ten (10) feet from a side lot line.
 3. Private garages designed and used for the storage of motor vehicles owned and/or operated by the occupants of the principal building or structure and in accordance with the following regulations:
 - a. Attached garage(s) shall not exceed fifty (50%) percent of the total floor area of the principal building or structure.
 - b. A detached garage shall not exceed twelve hundred eighty (1280) square feet or five hundred (500) square feet per acre per lot, whichever is greater. There shall be only one (1) detached garage per lot.
 4. Radio antenna, television antenna or dish antennas in accordance with Section 5.07.
 5. Storage buildings designed and used for the storage of tools and equipment owned by the occupants of the principal building or structure. The floor area of a storage building shall not exceed twelve hundred eighty (1280) square feet or 500 sq. ft per acre, whichever is larger. There shall be only one (1) storage building per lot.

6. Swimming pools, in accordance with the following regulations:
 - a. A swimming pool shall be used solely for the enjoyment of the occupants of the principal use, or their guests, of the property on which it is located.
 - b. A swimming pool shall not be located closer than forty (40) feet to any property line.
 - c. A swimming pool shall be completely enclosed by a fence at least four (4) feet in height. Portable swimming pools with a diameter less than eight (8) feet or with an area of less than fifty (50) square feet are exempt from the requirements of this section.

7. Class I Home Occupations: This section of the resolution is designed to accommodate home occupations that are deemed to be of minimal impact to the residential area where they are located.

The following uses are permitted, subject to the regulations listed below:

- Accounting
- Appraiser
- Architect
- Art, dance and music lessons
- Artist and home crafters
- Attorney
- Authors
- Baking/Confections
- Clerical and administrative services
- Computer and software design
- Engineer
- Financial services
- Home and office cleaning services
- Insurance agent
- Internet sales and consulting
- Personal training
- Photographer
- Realtor
- Sales person
- Seamstress and tailoring
- Surveyor
- Teacher/tutor
- Telemarketer

Regulations for permitted home occupations: variations from these regulations may be obtained by applying for a conditional use under § 5.03:

1.
 - a. A home occupation may be established only within a dwelling unit or existing permitted accessory building or structure in conjunction with the dwelling unit. The occupation shall be carried on wholly within the dwelling unit or existing building. Only one (1) home occupation may be established on a lot.
 - b. No home occupation may be established unless the person(s) conducting the home occupation resides on the premises. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

- c. There shall be no change in the exterior appearance of a dwelling unit or existing permitted accessory building or structure in conjunction with a dwelling unit, or other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with, Section 12.05(A)(3);
 - d. Off-street parking spaces shall be provided in accordance with Article XI.
 - e. No offensive noise, vibration, smoke, dust, odors, heat, glare, or vehicular traffic in variance with the residential character of the neighborhood shall be permitted.
 - f. The dwelling unit or existing permitted accessory building or structure in conjunction with 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.
 - g. No more than one (1) person outside the family may be employed or engaged in a home occupation.
 - h. Articles offered for sale on the premises shall be limited to those produced in the dwelling unit or existing permitted accessory building or structure in conjunction with the dwelling unit.
 - i. No outside storage is permitted.
 - j. There shall be no more than 2 (two) clients, customers, students or vendors at a time and no more than one truck pickup or delivery a day.
- B. Adult Family Home [R.C. 3722.01 (A)(7)] and Licensed Residential Facility [R.C. 5123.19 (A) (1) (a)].
- 1. Requirements for an adult family home as defined in R.C. 3722.01 (A)(7) or a Licensed Residential Facility as defined in R.C. 5123.19 (A) (1) (a) shall include the following:
 - a. The area, height, and yard requirements for the residential district in which it is located shall be met.
 - b. Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided.
 - c. In order to limit excessive concentration, no Adult Family Home or Licensed Residential Facility shall be located within a 1 mile radius of another such Adult Family Home or Licensed Residential Facility.
 - d. The number of persons allowed in an adult family home or Licensed Residential Facility shall be as regulated by R.C. 5123.19 or R.C. 3722.01.

- C. The following permitted accessory buildings, structures and uses which are incidental or subordinate to the principal building, structure or use shall not require the issuance of a Zoning Certificate.
1. Storing and utilization of trees and logs which are used exclusively by the occupants of the lot strictly for firewood consumption, construction, and woodworking hobbyists' activities.
 2. Swing sets and recreational equipment
 3. Chimneys
 4. Uncovered steps.
 5. Awnings or canopies over windows and doors.
 6. Sheds
 - a. There shall be only two (2) sheds per lot.
 - b. Sheds shall only be located in side or rear yards of the principal building.

Section 5.03 *Conditional Buildings, Structures and Uses*

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

A. Class II Home Occupation:

This section of the resolution is designed to accommodate home occupations deemed to have the potential for adverse impact on the surrounding residential area and, therefore, require Board of Zoning Appeals (BZA) review and approval.

1. Class II Home Occupations are limited to the following:
 - Cabinet Making/Woodworking
 - Catering
 - Day Care
 - Doctors/Dentists
 - Gun Repair
 - Home Electronics/Small Appliance Repair
 - Licensed Medical Provider/Health Care
 - Mail Order Sales
 - Pet Grooming Beauty Salon/Barber

- Taxidermy
- Veterinarian

2. Conditions for Class II Home Occupations:

- a. A home occupation may be established only within a dwelling unit or existing permitted accessory building or structure in conjunction with the dwelling unit. The occupation shall be carried on wholly within the dwelling unit or existing building. Only one (1) home occupation may be established at a residence.
- b. No home occupation may be established unless the person(s) conducting the home occupation resides on the premises. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- c. There shall be no change in the exterior appearance of a dwelling unit or existing permitted accessory building or structure in conjunction with a dwelling unit, or other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with, Section 12.05(A)(3);
- d. Off-street parking spaces shall be provided in accordance with Article XI.
- e. No offensive noise, vibration, smoke, dust, odors, heat, glare, or vehicular traffic in variance with the residential character of the neighborhood shall be permitted.
- f. The dwelling unit or existing permitted accessory building or structure in conjunction with 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.
- g. No more than one (1) person outside the family may be employed or engaged in a home occupation.
- h. Articles offered for sale on the premises shall be limited to those produced in the dwelling unit or existing permitted accessory building or structure in conjunction with the dwelling unit.
- i. No outside storage is permitted.
- j. There shall be no more than 2 (two) clients, customers, or vendors at the business at a time.

B. Conditions for Churches

1. No part of any building or lot shall be used for business, commercial, or non-church sponsored activities.
2. A church shall conform with all of the regulations for the zoning district in which it is located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. There shall be no parking in the road right-of-way.
5. Signs shall be in accordance with Article XII.
6. Lot coverage shall not exceed forty (40) percent.

C. Conditions for Schools, Township and other governmental buildings

1. Buildings or land shall only be used for school, township, or other governmental related activities.
2. Schools, township and other governmental buildings shall conform with all of the regulations for the zoning district in which they are located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.

D. Conditions for Conservation Open Space (COS)

1. Purpose: The purpose of COS Development shall be to allow for a more flexible arrangement of lots compared to conventional subdivision development that will: (a) provide a safety buffer between major thoroughfares and residential areas, (b) afford through design flexibility the opportunity to offset any existing or potential adverse impacts of adjacent nonresidential land uses, utilities, and major thoroughfares, and (c) maximize preservation of natural resources of the township such as jurisdictional wetlands, flood plains, ponds, lakes, waterways, and groundwater recharge areas, steep slopes, wildlife habitat, prime farmland, and other environmentally sensitive lands. COS Development shall be limited to real property with frontage along a major thoroughfare.
2. Conditions for Conservation Open Space (COS) Development: In order to satisfy the purpose of this section, a COS Development shall comply with the following conditions as well as the general conditions set forth in Section 10.08 of this Resolution.
 - a. COS Development shall be limited to real property with frontage along a major thoroughfare.

- b. Except as otherwise provided herein, all buildings, structures, and uses shall comply with the regulations set forth in Article V of this Resolution.
- c. The maximum overall density of dwelling units within a COS Development shall not exceed one unit per three acres. The maximum number of housing units permitted in a COS shall be calculated by the following:

(Total Site Area x 95%) / 3; rounded down to the nearest whole number.

Total Site Area shall be based upon a survey of the premises. A factor of 95% is used to account for public or private right of ways in a development. There shall be no more than one single family detached dwelling unit on each lot.

- d. The COS Development shall be subdivided into lots and each lot shall have frontage on an existing or proposed dedicated public road right-of-way. There shall be no private road right of ways. There shall be only one access road allowing ingress and egress to and from the affected main route. Proposed dedicated public road right of ways shall be constructed in accordance with the rules, regulations, and standard specifications for subdivision roads enforced by the Geauga County Engineer and adopted by the Geauga County Board of Commissioners pursuant to R.C. 711.101. The proposed dedicated public road right of way should be setback one hundred (100) feet from adjacent or abutting B-1 or M-1 districts located on the same side of the a major thoroughfare.
- e. Each lot shall not be less than 2.75 acres in area, provided however, a 2.25-acre minimum lot area is allowed for 15% of the lots in the total development. This reduction in lot area shall in no way increase the maximum overall density of one single family detached dwelling unit per three acres pursuant to Section 5.05 of this Zoning Resolution.
- f. The minimum front, side, rear, and corner side yards shall be in accordance with Section 5.05 Residential District R-1 except whenever a side yard, a rear yard, or corner side yard is adjacent to a commercial or industrial district or to a lot line of a lot used for commercial or industrial purposes the applicable minimum set back shall be not less than one hundred fifty (150) feet.
- g. The minimum lot width for a COS Development shall be as specified in Section 5.08.
- h. No building, structure, driveway or use except for decorative fencing, landscaping, and identification signage shall be located within a common buffer zone area having a minimum depth of 200 feet measured from the edge of the road right of way. All common areas and buffer zones shall be fully landscaped within 18 months from the date of issuance of conditional Zoning Certificate. Existing buildings, structures, driveways and uses within

the two hundred (200) feet common buffer zone must be removed within eighteen (18) months from the date of issuance of the Conditional Use Permit. If a buffer zone contains an earthen mound it shall be a minimum of eight (8) feet in height from existing grade with mow able side slopes, and contain densely planted vegetation thereon providing an effective year-round visual screen. Existing vegetation within the common buffer zone and open space shall be preserved to the maximum possible extent pursuant to the site plan. Landscaping shall be continuously maintained and promptly restored as necessary. Any proposed open space areas shall be reviewed by the Board of Zoning Appeals to ensure that wetlands, floodplains, ponds, lakes, waterways, prime farmland, groundwater recharge areas, steep slopes, wildlife habitat locations, and similar environmentally sensitive land is preserved and protected.

- i. Where a COS Development abuts developed lot(s) within a B-1 Commercial/Business District or an M-1 Industrial District, a strip of land densely planted with trees or mounded shall be maintained along the boundary line, as to form a year round dense visual screen. The visual screen shall have a minimum height of eight (8) feet from existing grade to effectively screen the view of the residential district from the adjacent B-1 or M-1 Districts.
- j. All sewage and water facilities serving COS Development shall be in accordance with the rules and regulations according to applicable governmental agency and proof of compliance with said rules or regulations shall be provided with the submission of an application for a conditional Zoning Certificate pursuant to Section 10.01 of this Resolution. The site plan for the premises required by Section 10.01 of this Resolution shall include the location of the dwelling unit, the on-site sewage disposal system, and the water well on each lot.
- k. Off-street parking spaces and driveways shall be in accordance with Article XI of this Resolution.
- l. Signage shall be accordance with Article XII of this Resolution.
- m. Ponds or lakes within a COS Development shall be equipped with dry fire hydrants, in accordance with Section 5.06 (G)
- n. Zoning Certificate required: Prior to the location construction or reconstruction of any building or structure or change in use within a COS Development, the affected lot owner or legal representative shall first apply for a Zoning Certificate from the Newbury Zoning Inspector. Such Zoning Certificate shall be issued if the inspector determines that the proposed building, structure, or use complies with the conditional Zoning Certificate issued for the COS Development and this Resolution.

- o. As a part of an application for a conditional Zoning Certificate the applicant shall provide documentation as to the formation of a non-profit homeowners' association or similar acceptable legal entity that will ultimately take title to the common buffer area and open space areas within the COS development upon recording of the plat thereof. All of the lot owners within the development shall belong to the association. The homeowners' association or similar acceptable legal entity shall be solely responsible for the care and maintenance of the common buffer zone and open space areas. A declaration of covenants and restrictions shall also be prepared and submitted with the conditional Zoning Certificate application for the COS Development and ultimately recorded. The declaration shall also ensure that common buffer zone and open space areas are not subdivided or changed in use. The Board of Zoning Appeals may refer the articles of incorporation relating to the homeowners' association and the declaration to its legal counsel for review.

- p. The site plan required pursuant to Section 10.01 (I) and Section 10.01 (J) of this Resolution shall also show: existing soil conditions based upon an on-site investigation of the premises by a qualified soils scientist or an engineer, driveways, common areas, existing and proposed easements, the configuration of landscape buffers and earthen berms, topographical and drainage features and facilities, and existing and proposed vegetation and tree cover. The Board of Zoning Appeals shall request and review any proposed visual screens or earthen mounds which are meant for the purpose of providing visual or sound barriers between the COS Development and adjacent existing commercial and industrial buildings, structures and uses. The Board of Zoning Appeals may recommend visual screen or earthen mounds to offset any perceived or potential adverse impacts of adjacent nonresidential buildings and structures.

Section 5.04 *First Dwelling area in a split-level of more than one level dwelling.*

The first floor living area in a split-level or more than one level dwelling shall be the total area of two adjacent levels not separated by more than four (4) feet.

Section 5.05 *Minimum Yards, Lot Area, Lot Width and Residential Floor Area; for Buildings, Structures and Uses, including Accessory Buildings, Structures and Uses*

The specific requirements for the residential district are contained in the following tables:

Residential District R-1					
Front Yard Setback from edge of right of way	Side Yard	Rear Yard	Corner Lot Side Yard	Lot Width	Minimum Lot Area
100	30	50	100	200	3 acres

Total Minimum Floor Area In Square Feet For A Single Family Dwelling			
One Story	1 ½ Story	Two Stories	Over two Stories
1200	1800	2200	2400

Pre-existing Non-conforming Lake Communities

Hickory Dale, Punderson Lake Allotment #1 & Development					
Front Yard Setback from edge of right of way	Side Yard	Rear Yard	Corner Lot Side Yard	Lot Width	Minimum Lot Area
40	8	30	40	80	[8000]

Minimum Floor Area in Square Feet			
One Story	1 ½ Story	Two Stories	Over two Stories (*n.r)
900	400/900	600/900	600/900

Kiwanis Lake Subdivision 1 & 2, Restful Lake Allotment					
Front Yard Setback from edge of right of way	Side Yard	Rear Yard	Corner Lot Side Yard	Lot Width	Minimum Lot Area
40	16	30	40	160	[16000]*

* Incl. minimum 100 foot lot depth

Minimum Floor Area in Square Feet			
One Story	1 ½ Story	Two Stories	Over two Stories

			(*n.r)
1100	400/900	600/900	600/900

Section 5.06 *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. Fences and walls in accordance with the following regulations:
 - 1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
 - 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 - 3. Fences and walls shall not be constructed in any manner likely to cause physical injury.
 - 4. Fences and walls shall not be unsafe, unsightly, or be in danger of falling.
 - B. Flagpoles
 - C. Mailboxes and newspaper tubes
 - D. Ornamental and security lighting fixtures
 - E. Signs in accordance with Article XII.
 - F. Student bus shelters
 - 1. The maximum floor area for a student bus shelter shall not exceed twelve (12) square feet.
 - 2. There shall be no more than one (1) school bus shelter per lot.
 - G. Ponds and fire protection
- Any lot owner in the township desiring to construct a pond shall do so in accordance with the following regulations.
- 1. Regulations for construction of ponds

- a. Prior to the construction of any pond the owner shall consult with the Newbury Volunteer Fire Department concerning the need for the installation of a dry fire hydrant.
- b. All ponds shall be a minimum of 100 feet from septic system lines and leach beds and shall be a minimum of 10 feet from any lot lines or road right away.
- c. All ponds shall conform to the guidelines and recommendations of the Geauga Soil and Water Conservation District.

For the purpose of protection of public safety, the developers of a major subdivision shall construct a pond with a dry fire hydrant in accordance with the following regulations.

2. Regulations for dry fire hydrant installation

- a. A dry fire hydrant for fire protection purposes shall be constructed of materials and installed in accordance with the drawing entitled “Dry fire hydrant Assembly” prepared by and maintained by the Newbury Volunteer Fire Department.
- b. Location: A dry fire hydrant shall be installed so that the hydrant head is within a range of 6 to 8 feet of the public road serving the subdivision for accessibility of firefighting equipment. The Newbury Volunteer Fire Department shall have the perpetual right of access to the dry fire hydrant.

3. Application, Review, and Approval

- a. Application for the installation of a dry fire hydrant shall be made to the zoning inspector, who shall forward a copy to the Newbury Volunteer Fire Department within 10 days of receipt.
- b. The application shall be made in writing on a form provided by the zoning inspector relating to an application for a Zoning Certificate and shall include the following.
 - i. Owner’s name, address, and telephone number. The address(es) of the affected lot(s) if different from the owner’s mailing address.
 - ii. A drawing showing the dimensions of the dry fire hydrant and its installation in relation to the ground and water surfaces.
 - iii. A site plan showing the dimensions of the pond, the distance of the pond to the lot lines, septic system lines and leach beds, and the distance of the pond to adjacent road(s) or driveway(s).
- c. The Newbury Volunteer Fire Department shall recommend approving or denying the application within 15 days of receipt.

- H. Below ground sanitary and drinking water facilities plus above ground sanitary and drinking water facilities except for well heads not exceeding three (3) feet in height as measured from the ground level and in accordance with the following regulations;
- a. The area between the above ground sanitary facility and the road right of way shall require a strip of land that is not less than five (5) feet in width and running the length of the side of the sanitary facility and shall be densely planted with trees and shrubs, or mounded to form a year round dense visual screen from the public road.

Section 5.07 *Maximum Height*

- A. The maximum height of all buildings, structures, and uses except those listed in paragraph B herein shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.
- B. Special maximum heights
1. Belfries, church spires, clock towers, cupolas, chimneys and flagpoles no maximum height requirement.
 2. Radio antenna and/or television antennas shall not exceed ten (10) feet in height above the roof line if attached to a building or structure, or forty-five (45) feet if mounted in the ground. Antenna structures which are used exclusively in the Amateur Radio Service by an amateur radio; operator licensed by the Federal Communications Commission are exempt from this height requirement.
 3. Electrical generating wind system devices shall not exceed fifty (50) feet in height.
 4. In all districts, in any building of one and one-half (1.5) stories or more, the minimum ceiling heights on the second and higher floors shall be seven (7) feet.

Section 5.08 *Minimum Lot Width*

- A. The minimum lot width shall be as specified in the tables of Section 5.05 except for lots located on a cul-de-sac road turnaround.
- B. For any lot located on a permanent cul-de-sac road turnaround the minimum lot width shall be sixty (60) feet at the front lot line and two hundred (200) feet at the building setback line.

Section 5.09 *Rear Lots*

A rear lot shall have a minimum of sixty (60) feet of frontage on a public road with a minimum lot width, measured at the building setback line, to be the same as required for the zoning district in which such lot is located. An access strip, in fee simple, shall be a part of the rear lot but not included in calculating minimum lot area, with minimum width of sixty

(60) feet are to be in common ownership and there shall be only one rear lot to the rear of another lot. Said access strip shall remain unoccupied and unobstructed by any buildings or structures and shall not form a part of the yards required by this resolution. Minimum setback required shall be fifty (50) feet from the rear lot line and thirty (30) feet from all other lot lines. A rear lot shall conform to all of the regulations of the zoning district in which it is located. There shall be no more than one (1) single family detached dwelling located on a rear lot in an "R" district.

Section 5.10 *Trucks and Trailers*

Except for and during actual loading and unloading, no truck or trailer shall be parked on any lot for the receipt, storage, or sale of anything.

Section 5.11 *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.

B-1 — Commercial/Business District

Article VI. **B-1 — Commercial/Business District**Section 6.00 *Purpose*

The purpose of this district is to establish and maintain commercial businesses and concentrations of retail stores that provide services and consumer products to this community and the surrounding areas.

Section 6.01 *Permitted Principal Buildings, Structures, and Uses*

- A. All permitted principal buildings, structures and uses as defined in Article VIII (P-O), Section 8.01.
- B. Offices of an accountant, architect, artist, attorney, business consultant, computer programmer, dentist, engineer, interior decorator, optometrist, photographer, physician, real estate agent, secretary, surveyor, or veterinarian and the like.
- C. Banks and other financial institutions, and loan companies.
- D. Business, trade or vocational schools and classes of instruction involving music, dance, exam preparation, self-defense, self-improvement and weight loss.
- E. Preparation and processing of food and beverages to be retailed on the premises including bakeries, delicatessens, meat markets, confectionery shops, ice cream parlors, and soda fountains.
- F. Food sales including convenience and beverage stores, and frozen food lockers.
- G. Drug stores, retail stores and shops selling the following merchandise:
 - 1. Variety home items and consumables
 - 2. Hardware and paint
 - 3. Floor and wall coverings
 - 4. Pharmaceuticals
 - 5. Surgical, medical, dental and optical instruments and supplies
 - 6. Photographic equipment, supplies and processing
 - 7. Records, tapes and supplies
 - 8. Video sales and lease

9. Clothing, footwear and headwear
10. Linens, drapery and fabrics
11. Luggage
12. Appliances
13. Lamps and lighting fixtures
14. Toys
15. Bicycles, supplies and repairs
16. Auto parts and supplies
17. Flowers, plants and gifts
18. Seed, lawn and garden equipment and supplies
19. Hobbies and crafts
20. Pets, pet supplies and grooming
21. Artwork
22. Antiques
23. Jewelry, silverware and watches
24. Glassware
25. Handbags and leather goods
26. Paper goods

H. Service establishments limited to the following:

1. Tailors, dressmaking or sewing
2. Barbers and beauticians
3. Dry cleaning, laundries and Laundromats
4. Carpet and upholstery cleaning
5. Shoe, leather, watch, clock, lamp, camera, radio, television and appliance repair
6. Photo and art studios
7. Photocopying and printing
8. Travel bureaus

9. Picture framing
10. Interior decorating
11. Custom signs and lettering
12. Locksmiths, alarm and security systems
13. Caterers

Section 6.02 *Permitted Accessory Buildings, Structures, and Uses;*

- A. Wind system devices.
- B. Fences and walls in accordance with the following regulations:
 1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 3. Fences and walls shall not be constructed in any manner likely to cause physical injury.
 4. Fences and walls shall not be unsafe, unsightly, or be in danger of falling.
- C. Off-street parking spaces in accordance with Article XI.
- D. Private garages designed and used for the storage of motor vehicles owned and/or operated by the occupants of the principal building or structure. Such garages shall not exceed twelve hundred (1200) square feet in floor area.
- E. Radio antenna, television antenna or dish antennas in accordance with sections Section 5.07 and Section 8.02.
- F. Sanitary and drinking water facilities.
- G. Signs in accordance with Article XII.
- H. Ponds and fire protection

For the purpose of protection of public safety, the developers of all structures or buildings having a total floor area of twelve thousand (12000) square feet or greater or, a major subdivision shall construct a pond with a dry fire hydrant in accordance with the following regulations.

1. Regulations for construction of ponds
 - a. All ponds shall be a minimum of 100 feet from septic system lines and leach beds and shall be a minimum of 10 feet from any lot lines or road right away.

- b. All ponds shall conform to the guidelines and recommendations of the Geauga Soil and Water Conservation District.
 - c. The location of a pond shall be subject to review by the Newbury Volunteer Fire Department to determine accessibility by firefighting equipment.
2. Regulations of Dry Fire Hydrant Installation
- a. A Dry fire hydrant for fire protection purposes shall be constructed of materials and installed in accordance with the drawing entitled "Dry Hydrant Assembly" prepared by and maintained by the Newbury Volunteer Fire Department.
 - b. Location: A dry fire hydrant shall be installed so that the hydrant head is within a range of 6 to 8 feet of the public road serving the subdivision for accessibility of firefighting equipment. The Newbury Volunteer Fire Department shall have the perpetual right of access to the dry fire hydrant.
3. Application, Review, and Approval
- a. Application for the installation of a dry fire hydrant shall be made to the zoning inspector, who shall forward a copy to the Newbury Volunteer Fire Department within 10 days of receipt.
 - b. The application shall be made in writing on a form provided by the zoning inspector relating to an application for a Zoning Certificate and shall include the following.
 - i. Owner's name, address, and telephone number. The address(es) of the affected lot (s) if different from the owners mailing address.
 - ii. A drawing showing the dimensions of the dry fire hydrant and its installation in relation to the ground and water surfaces.
 - iii. A site plan showing the dimensions of the pond, the distance of the pond to the lot lines, septic system lines and leach beds, and the distance of the pond to adjacent road(s) or driveway(s).
 - c. The Newbury Volunteer Fire Department shall recommend approving or denying the application within 15 days of receipt.
4. Fire Protection

For the purpose of public safety the real property owner(s) or developer(s) shall install a Knox-Box rapid entry system for emergency access to each building on said property. The Newbury Volunteer Fire Department must approve the type, installation, and location of the Knox-Boxes.

Section 6.03 *Zoning Certificate Requirements*

Zoning Certificates are required for all occupancies by the owner or tenants pursuant with Article XVIII.

Section 6.04 *Conditional Buildings, Structures, and Uses*

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

A. Child day-care centers as licensed by the State of Ohio

Conditions for child day-care centers:

1. A child day-care center shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

B. Schools, Township and other governmental buildings.

Conditions for schools, township and other governmental buildings:

1. Schools, township and other governmental buildings shall conform with all of the regulations for the zoning district in which they are located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

C. Lodges and fraternal organizations

Conditions for lodges and fraternal organizations:

1. Lodges and fraternal organizations shall conform with all of the regulations for the zoning district in which they are located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

D. Museums, art galleries and libraries

Conditions for museums, art galleries and libraries:

1. Museums, art galleries and libraries shall conform with all of the regulations for the zoning district in which they are located.
2. The number of off-street parking spaces shall be in accordance with Article XI.

3. Signs shall be in accordance with Article XII.

E. Funeral homes but not including crematoriums

Conditions for funeral homes:

1. A funeral home shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

F. Hospitals

Conditions for hospitals:

1. A hospital shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.
4. Lot area per bed is not to exceed four thousand three hundred fifty (4350) square feet nor to exceed ten (10) beds per acre.
5. Minimum setback shall be 250 feet from the edge of the right of way.
6. The setback from any residential district shall be two hundred fifty (250) feet.
7. The side yard setback shall be one hundred (100) feet.
8. The rear yard setback shall be one hundred (100) feet.
9. The minimum road frontage shall be five hundred (500) feet.

G. Veterinary hospitals

Conditions for veterinary hospitals:

1. A veterinary hospital shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

H. Hotels, motels, rooming houses, boarding houses, and tourist homes

Conditions for hotels, motels, rooming houses, boarding houses, and tourist homes:

1. Each living unit shall have a minimum floor area of two hundred (200) square feet.
2. A hotel, motel, rooming house, boarding house, or tourist home shall conform with all of the regulations for the zoning district in which it is located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.

I. Nursing homes

Conditions for nursing homes:

1. A nursing home shall conform with all the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.
4. Lot area per bed is not to exceed four thousand three hundred fifty (4350) square feet or to exceed ten (10) beds per acre.
5. Minimum setback shall be 250 feet from the edge of the right of way.
6. The setback from any residential district shall be two hundred fifty (250) feet.
7. The side yard setback shall be one hundred (100) feet.
8. The rear yard setback shall be one hundred (100) feet.
9. The minimum road frontage shall be five hundred (500) feet.

J. Service stations

Conditions for service stations:

1. All fuel storage tanks shall meet EPA storage requirements.
2. Pumps shall be a minimum of one hundred fifty (150) feet from any road right-of-way margin.
3. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
4. All storage of materials, supplies, equipment, and merchandise shall be within completely enclosed buildings.
5. No vehicles may be parked or stored in front of a building or structure.
6. Signs shall be in accordance with Article XII.

7. A service station shall comply with all of the regulations for the zoning district in which it is located.
8. The number of off-street parking spaces shall be in accordance with Article XI.

K. Vehicle sales, leasing and renting establishments

Conditions for vehicle sales, leasing, and rental establishments:

1. No vehicle shall be parked within any required yard area.
2. No vehicle shall be parked within seventy-five (75) feet of the road right of way.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.
5. Vehicle sales, leasing, and rental establishments shall comply with all the regulations for the zoning district in which it is located.

L. Restaurants

Conditions for restaurants:

1. A restaurant shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

M. Taverns

Conditions for taverns:

1. No such use shall be located within fifteen hundred (1,500) feet of any school, park, playground, church, library or another tavern.
2. A tavern shall conform with all of the regulations for the zoning district in which it is located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.

N. Vehicle repair Garages

The purpose for vehicle repair garages is to provide an area in the township within the B-1 District for the repair and maintenance of only passenger vehicles and light trucks.

Conditions for vehicle repair garages:

1. A vehicle repair garage shall conform with all the regulations for the zoning district in which it is located.
 2. The number of off-street parking spaces shall be in accordance with Article XI.
 3. Signs shall be in accordance with Article XII.
 4. All storage of supplies and materials shall be within a completely enclosed building.
- O. Conditions for electrical, plumbing, heating painting, roofing, siding, gutters and utility contractors
1. All fuel storage tanks shall meet EPA storage requirements.
 2. All storage of materials, supplies, equipment, and merchandise shall be within completely enclosed buildings.
 3. No service vehicle related to the business(s) on the lot shall be parked or stored in front of a building or structure.
 4. Signs shall be in accordance with Article XII.
 5. All electrical, plumbing, heating, painting, roofing, siding, gutters and utility contractors shall comply with all of the regulations for the zoning district in which it is located.
 6. The number of off-street parking spaces shall be in accordance with Article XI.

P. Conditions for Churches

1. No part of any building or lot shall be used for non-church sponsored activities.
2. A church shall conform with all of the regulations for the zoning district in which it is located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.

Section 6.05 *Minimum Lot Area*

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

Section 6.06 *Minimum Lot Width*

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

Section 6.07 *Minimum Yards*

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

- A. Front yard: one hundred fifty (150) feet from the edge of the road right of way with the first seventy-five (75) feet to have no parking or storage or display.
- B. Each side yard: Twenty-five (25) feet, except a side yard abutting a residential district shall have a minimum yard of one hundred fifty (150) feet.
- C. Rear yard: Fifty (50) feet, except a rear yard abutting a residential district shall have a minimum yard of one hundred fifty (150) feet.
- D. Each corner lot side yard shall be seventy-five (75) feet from the edge of the road right of way with no parking, storage or display permitted.
- E. All yards with frontage on a major thoroughfare shall be one hundred fifty (150) feet from the edge of the road right of way with the first seventy-five (75) feet having no parking, storage, or outside display permitted.
- F. Any building, structure or use that abuts a residential district shall be set back a minimum of one hundred fifty (150) feet from a residential district.
- G. Any building, structure or use that abuts a passive park district or an active park district shall be set back a minimum of seventy-five (75) feet from a passive park district or an active park district.

Existing vegetation within any side yard and rear yard abutting a residential district shall be preserved to the maximum possible extent.

Section 6.08 *Maximum Height*

The maximum height of all buildings, structures, and uses shall be thirty-five (35) feet and as set forth in Section 5.07.

Section 6.09 ***Maximum Lot Coverage***

The maximum lot coverage for all buildings, structures, and uses, including parking, storage, or display shall be fifty (50) percent.

Section 6.10 ***Minimum Floor Area***

The minimum floor area for any principal building or structure shall be one thousand two hundred (1,200) square feet. Any accessory building or structure used primarily as a mechanical shed, utility shed, well house, or fire protection shed, and which is clearly incidental to and customary in connection with the use of the principal building, other structures, or use of land shall be exempt from required minimum floor area, however the total floor area of such an accessory building shall not exceed three hundred (300) square feet.

Floor area shall be calculated in accordance with Section 2.01.

Section 6.11 ***Permitted Buildings, Structures and Uses in Required Yards***

Permitted buildings, structures and uses in required yard areas shall be as set forth Section 5.06

Section 6.12 ***Driveways***

Refer to Section 11.07 for driveway regulations.

Section 6.13 ***Screening and Landscaping***

All yards shall be entirely landscaped. Where the lot line of a lot abuts a residential district, a strip of land that is not less than ten feet (10) in width and running the length of the side and/or rear yards adjacent to existing residential districts, and densely planted with trees or mounded, must be maintained along such boundary lines so as to form a year - round dense visual screen from the existing residential districts. The screen must have a minimum height of eight (8) feet from existing grade. The screening and landscaping shall be approved by the Zoning Inspector for permitted uses and by the Board of Zoning Appeals for conditional uses or for uses allowed by a variance. All screening and landscaping shall be installed within twelve (12) months from the date of issuance of the Zoning Certificate or the conditional Zoning Certificate, whichever is applicable.

All existing vegetation on a lot within 150 feet and less of a residential district shall be preserved to the maximum possible extent to effectively screen any proposed or future use from existing residential districts.

Section 6.14 *Lighting*

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

To this end and to minimize light trespass, all lighting fixtures with lamps rated at initial lumens of two thousand five hundred (2,500) or greater shall be the full cutoff type. For purposes of this regulation, a full cutoff light fixture is defined as one which emits no light above a horizontal plane drawn through the lowest part of the fixture.

Exterior lighted signs shall utilize lighting which shines against the sign so that the light emitted directly from the fixture is not shining beyond the boundaries of the sign.

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M-1 — Industrial District

Article VII. M-1 — Industrial District**Section 7.00 Purpose**

The purpose for this district is to reasonably regulate the development and use of land for light manufacturing, research, assembly, and service establishments.

Section 7.01 Permitted Principal Buildings, Structures, and Uses

- A. All permitted principal buildings, structures and uses as defined in Article VIII (P-O), Section 8.01., and Article VI (B-1), Section 6.01.
- B. Professional, medical, administrative, business and sales offices and office buildings
- C. Data and word processing activities, and computer operations
- D. Manufacturing, production or fabrication of the following, but excluding operations involving reduction, refining or chemical conversion of primary raw materials:
 1. Precision electrical or electro mechanical equipment
 2. Precision instruments, including clocks, cameras and other photo equipment, optical goods, business machines, surgical and dental instruments
 3. Printing and reproduction products, including engraving and bookbinding
 4. Assembly or creation of products made of plastic, rubber, wood and metal.
- E. Warehouses and commercial and household storage facilities including self storage units
- F. Wholesaling operations for
 1. Drugs, chemicals and allied products
 2. Dry goods and apparel
 3. Groceries and related products
 4. Electrical goods
 5. Hardware, plumbing and heating equipment and supplies
 6. Paper and its products
 7. Furniture and home furnishings

Section 7.02 *Permitted Accessory Buildings, Structures, and Uses;*

The following permitted accessory buildings, structures and uses shall be incidental or subordinate to the principal permitted building, structure or use.

- A. Wind system devices.
- B. Fences and walls in accordance with the following regulations:
 - 1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
 - 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 - 3. Fences and walls shall not be constructed in any manner likely to cause physical injury.
 - 4. Fences and walls shall not be unsafe, unsightly, or be in danger of falling.
- C. Parking lot in accordance with Article XI, recreation areas, clinics and cafeterias for the use of employees, storage of materials and equipment, heating and cooling power plants, water tanks and refuse disposal systems, subject to the following limitations:
 - 1. That all accessory facilities shall serve only the premises to which they are accessory, and no other.
 - 2. That clinics, cafeterias and recreation areas shall be conducted within a main or accessory building, for the exclusive use of the occupants, employees and business invitees of the main use.
 - 3. That all storage of motor vehicles, equipment, supplies and refuse shall be located entirely within a building or in underground containers, or otherwise shall be effectively screened from the view of the public and of the occupants of adjacent properties.
- D. Storing and Processing of trees and logs.
- E. Ponds and Fire Protection

For the purpose of protection of public safety, the developers of all structures or buildings having a total floor area of twelve thousand (12000) square feet or greater or a major subdivision shall construct a pond with a dry fire hydrant in accordance with the following regulations.

- 1. Regulations for construction of ponds
 - a. All ponds shall be a minimum of 100 feet from septic system lines and leach beds and shall be a minimum of 10 feet from any lot lines or road right away.

- b. All ponds shall conform to the guidelines and recommendations of the Geauga Soil and Water Conservation District.
 - c. The location of a pond shall be subject to review by the Newbury Volunteer Fire Department to determine accessibility by firefighting equipment.
2. Regulations of Dry Fire Hydrant Installation
 - a. A Dry fire hydrant for fire protection purposes shall be constructed of materials and installed in accordance with the drawing entitled "Dry Hydrant Assembly" prepared by and maintained by the Newbury Volunteer Fire Department.
 - b. Location: A dry fire hydrant shall be installed so that the hydrant head is within a range of 6 to 8 feet of the public road serving the subdivision for accessibility of firefighting equipment. The Newbury Volunteer Fire Department shall have the perpetual right of access to the dry fire hydrant.
 3. Application, Review, and Approval
 - a. Application for the installation of a dry fire hydrant shall be made to the zoning inspector, who shall forward a copy to the Newbury Volunteer Fire Department within 10 days of receipt.
 - b. The application shall be made in writing on a form provided by the zoning inspector relating to an application for a Zoning Certificate and shall include the following.
 - i. Owner's name, address, and telephone number. The address (es) of the affected lot(s) if different from the owners mailing address.
 - ii. A drawing showing the dimensions of the dry fire hydrant and its installation in relation to the ground and water surfaces.
 - iii. A site plan showing the dimensions of the pond, the distance of the pond to the lot lines, septic system lines and leach beds, and the distance of the pond to the adjacent road(s) or driveways(s).
 - c. The Newbury Volunteer Fire Department shall recommend approving or denying the application within 15 days of receipt.

4. Fire Protection

For the purpose of public safety the real property owner(s) or developer(s) within a commercial subdivision shall install a Knox-Box rapid entry system for emergency access to each building on said property. The Newbury Volunteer Fire Department must approve the type, installation, and location of the Knox-Boxes.

- F. Signs in accordance with Article XII

Section 7.03 *Zoning Certificate Requirements*

Zoning Certificates are required for all occupancies by the owner or tenants pursuant with Article XVIII.

Section 7.04 *Conditional Buildings, Structures, and Uses*

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

A. Township and other governmental buildings

Conditions for township and other governmental buildings shall be as specified in Section 6.04B.

B. Funeral homes but not including crematoriums

Conditions for funeral homes shall be as specified in Section 6.04E.

C. Hospitals and veterinary hospitals

Conditions for hospitals and veterinary hospitals shall be as specified in Section 6.04f and G.

D. Service stations

Conditions for service stations shall be as specified in Section 6.04J.

E. Landscaping, land excavating, tree and yard maintenance establishments:

Conditions for landscaping, land excavating, tree, and yard maintenance establishments

1. A landscaping, tree, or yard maintenance establishment shall conform to all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.
4. No equipment, vehicles, trees, logs, stumps, debris, landscaping materials, excavated soil, gravel or boulders shall be stored, displayed or disposed of within the required yard areas.

F. Vehicle sales, leasing and renting establishments

Conditions for vehicle sales, leasing, and rental establishments:

1. No vehicles shall be parked within any required yard area.
2. No vehicle shall be parked within one hundred (100) feet of the road right of way.

3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.
5. Vehicle sales, leasing, and rental establishments shall comply with all the regulations for the zoning district in which it is located and with Section 7.07.

G. Vehicle repair garages

Conditions for vehicle repair garages:

1. A vehicle repair garage shall conform with all the regulations for the M-1 zoning district.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

Section 7.05 *Minimum Lot Area*

The minimum lot area shall be five (5) acres.

Section 7.06 *Minimum Lot Width*

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

Section 7.07 *Minimum Yards*

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

- A. Front yard: one hundred (100) feet from the edge of the road right of way with no parking or storage or display.
- B. Each side yard: Twenty-five (25) feet, except a side yard abutting a residential district shall comply with the following lot size schedule:
 1. 0.00 acres to 4.99 acres shall be one hundred fifty (150) feet.
 2. 5.00 acres to 9.99 acres shall be two hundred fifty (250) feet.
 3. 10.00 acres and greater than 10.00 acres shall be three hundred and fifty (350) feet.

- C. Rear yard: Fifty (50) feet, except a rear yard abutting a residential district shall comply with the following lot size schedule:
1. 0.00 acres to 4.99 acres shall be one hundred fifty (150) feet.
 2. 5.00 acres to 9.99 acres shall be two hundred fifty (250) feet.
 3. 10.00 acres and greater than 10.00 acres shall be three hundred and fifty (350) feet.
- D. Each corner lot side yard shall be seventy-five (75) feet from the edge of the road right of way with no parking, storage, or outside display permitted.
- E. Any building, structure or use that abuts a residential district shall be set back accordingly, based upon the following lot size, from a residential district.
1. 0.00 acres to 4.99 acres shall be one hundred fifty (150) feet.
 2. 5.00 acres to 9.99 acres shall be two hundred fifty (250) feet.
 3. 10.00 acres and greater than 10.00 acres shall be three hundred and fifty (350) feet.
- F. Existing vegetation within any side yard and rear yard abutting a residential district shall be preserved to the maximum possible extent.
- G. Any building, structure, or use that abuts a passive park district or active park district shall be set back a minimum of seventy-five (75) feet from a passive park district or an active park district.

Section 7.08 *Maximum Height*

The maximum height for all buildings, structures, and uses shall be thirty-five (35) feet and as set forth in Section 5.07

Section 7.09 *Maximum Lot Coverage*

The maximum lot coverage for all buildings, structures, and uses, including parking, storage, or display shall be fifty (50) percent.

Section 7.10 *Minimum Floor Area*

The minimum floor area for any building or structure shall be nine hundred (900) square feet.

Floor area shall be calculated in accordance with Section 2.01.

Section 7.11 *Permitted Buildings, Structures and Uses in Required Yards*

Permitted buildings, structures and uses in required yard areas shall be as set forth in Section 5.06

Section 7.12 *Driveways*

Refer to Section 11.07 for driveway regulations.

Section 7.13 *Screening and Landscaping*

All yards shall be entirely landscaped. Where the lot line of a lot abuts a residential district, a strip of land that is not less than ten feet (10) in width and running the length of the side and or rear yards adjacent to existing residential districts, and densely planted with trees or mounded, must be maintained along such boundary lines so as to form a year - round dense visual screen from the existing residential districts. The screen must have a minimum height of eight (8) feet from existing grade. The screening and landscaping shall be approved by the Zoning Inspector for permitted uses and by the Board of Zoning Appeals for conditional uses or for uses allowed by a variance. All screening and landscaping shall be installed within twelve (12) months from the date of issuance of the Zoning Certificate or the conditional Zoning Certificate, whichever is applicable.

All existing vegetation on a lot within 150 feet and less of a residential district shall be preserved to the maximum possible extent to effectively screen any proposed or future use from existing residential districts.

Section 7.14 *Lighting*

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

To this end and to minimize light trespass, all lighting fixtures with lamps rated at initial lumens of two thousand five hundred (2,500) or greater shall be the full cutoff type. For purposes of this regulation, a full cutoff light fixture is defined as one, which emits no light above a horizontal plane drawn through the lowest part of the fixture.

Exterior lighted signs shall utilize lighting, which shines against the sign so that the light emitted directly from the fixture is not shining beyond the boundaries of the sign.

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P-O — Professional Office District

Article VIII. P-O — Professional Office District**Section 8.00 Purpose**

The purpose of the Professional Office (P-O) District is to reasonably regulate the development and use of land for primarily non-retail office use. This district shall have limited application and shall be used as a transitional zone or buffer between existing or future residential uses and existing (B-1) Commercial/Business or (P-O) Professional Office districts. It is not intended to create any type of non-residential use in an area that is currently without non-residential uses or to isolate existing residentially zoned lots. The (P-O) Professional Office District shall be applied only to lots directly adjacent to existing (B-1) Commercial/Business or (P-O) Professional Office districts.

Section 8.01 Permitted Principal Buildings, Structures, and Uses

- A. Offices of an accountant, architect, artist, attorney, barber, beautician, business consultant, computer programmer, engineer, interior decorator, optometrist, photographer, real estate agent, secretary, surveyor and a clinical laboratory which operates in accordance with all State of Ohio and United States government regulation.
- B. Corporate office or headquarters, banks and other financial institutions, and loan companies. Only normal office and managerial functions are permitted on site.
- C. Business services including: advertising agency, employment agency, management consulting, secretarial services, travel service and manufacturer's representatives acting as sales agents and not engaged in sales of inventory.
- D. Any medical office, including general medical, dental, or any specialized medical or dental practice, where treatment is provided by, or under direct supervision of, a doctor licensed by the State of Ohio.
- E. Single family detached dwellings per Section 5.01

Section 8.02 Permitted Accessory Structures and Uses

- A. Wind energy systems, systems including windmills and wind generators.
- B. Fences and walls in accordance with the following regulations:
 - 1. Fences and walls shall be erected outside of the right-of-way of any public or private road.

2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 3. Fences and walls shall not be constructed in any manner likely to cause physical injury.
 4. Fences and walls shall not be unsafe, unsightly, or be in danger of falling.
- C. Ground-mounted satellite dishes and television antennae, and roof-mounted satellite dishes. Television antennae shall not extend more than 12 feet in height above the roof from the point of anchorage.
- D. Recreation areas and cafeterias for the use of the tenants of the building.
- E. Parking facilities, recreation areas, clinics and cafeterias for the use of employees, storage of materials and equipment, heating and cooling power plants, water tanks and refuse disposal systems, subject to the following limitations:
1. That all accessory facilities shall serve only the premises to which they are accessory, and no other.
 2. That clinics, cafeterias and recreation areas shall be conducted within a main or accessory building, for the exclusive use of the occupants, employees and business invitees of the main use.
 3. That all storage of motor vehicles, equipment, supplies and refuse shall be located entirely within a building or in underground containers, or otherwise shall be effectively screened from the view of the public and of the occupants of adjacent properties.
- F. Parking facilities as regulated in Article XI.
- G. Signs as regulated in Article XII.
- H. Ponds and Fire Protection

For the purpose of protection of public safety, the developers of all structures or buildings having a total floor area of twelve thousand (12000) square feet or greater or, a major subdivision shall construct a pond with a dry fire hydrant in accordance with the following regulations.

1. Regulations for construction of ponds
 - a. All ponds shall be a minimum of 100 feet from septic system lines and leach beds and shall be a minimum of 10 feet from any lot lines and road right away.
 - b. All ponds shall conform to the guidelines and recommendations of the Geauga Soil and Water Conservation District.

- c. The location of a pond shall be subject to review by the Newbury Volunteer Fire Department to determine accessibility by firefighting equipment.
2. Regulations of Dry Fire Hydrant Installation
 - a. A Dry fire hydrant for fire protection purposes shall be constructed of materials and installed in accordance with the drawing entitled "Dry Hydrant Assembly" prepared by and maintained by the Newbury Volunteer Fire Department.
 - b. Location: A dry fire hydrant shall be installed so that the hydrant head is within a range of 6 to 8 feet of the public road serving the subdivision for accessibility of firefighting equipment. The Newbury Volunteer Fire Department shall have the perpetual right of access to the dry fire hydrant.
3. Application, Review, and Approval
 - a. Application for the installation of a dry fire hydrant shall be made to the zoning inspector, who shall forward a copy to the Newbury Volunteer Fire Department within 10 days of receipt.
 - b. The application shall be made in writing on a form provided by the zoning inspector relating to an application for a Zoning Certificate and shall include the following.
 - i. Owner's name, address, and telephone number. The address(es) of the affected lot(s) if different from the owners mailing address.
 - ii. A drawing showing the dimensions of the dry fire hydrant and its installation in relation to the ground and water surfaces.
 - iii. A site plan showing the dimensions of the pond, the distance of the pond to the lot lines, septic system lines and leach beds, and the distance of the pond to the adjacent road(s) or driveway(s).
 - c. The Newbury Volunteer Fire Department shall recommend approving or denying the application within 15 days of receipt.
4. Fire Protection

For the purpose of public safety the real property owner(s) or developer(s) shall install a Knox-Box rapid entry system for emergency access to each building on said property. The Newbury Volunteer Fire Department must approve the type, installation, and location of the Knox-Boxes.

- I. Retail sales are permitted on a lot which are directly related to the normal functions of any permitted use within this district. Any retail sales shall be clearly subordinate and incidental to the permitted use or uses per lot. Retail sales activity shall be limited to 20 percent (20%) of the total floor area of the principal building. Storage of materials intended for retail sale shall be limited to a maximum of 100 square feet of floor area per lot and meets the requirements of Section 8.14.
- J. Private garages, porches, patios, decks, gazebos, pavilions and storage buildings per Section 5.02(A)
- K. Accessory buildings, structures and uses per Section 5.02(C)

Section 8.03 *Zoning Certificate Requirements*

Zoning Certificates are required for all occupancies by the owner or tenants pursuant with Article XVIII.

Section 8.04 *Non-permitted Uses*

- A. Any establishment that stores materials for use or sale at another location. This includes, but is not limited to, construction or improvement companies that store building materials for use at other job sites, landscaping companies that store materials in a similar manner, and repair facilities that store parts or materials for repairs that are performed at another location. These uses are prohibited even if the use would otherwise be permitted. Materials that will be used on site, for example medical supplies, office supplies, accounting forms or books, or parts used for repairs performed on site, may be stored inside a building.
- B. Any establishment that manufactures anything shall be prohibited.
- C. Any use not specifically permitted shall be prohibited.

Section 8.05 *Minimum Lot Area*

A lot shall have a minimum of three (3) acres.

Section 8.06 *Minimum Lot Width*

Any lot shall have a minimum width of two hundred (200) feet.

Section 8.07 *Minimum Yards*

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

- A. Front yard: one hundred (100) feet from the edge of the road right of way. Parking, storage and display are not permitted in front of any building.

- B. Each side yard: Twenty-five (25) feet, except a side yard abutting a residential district shall have a minimum yard of seventy-five (75) feet which shall be maintained free of all buildings, structures, paved or graveled areas, driveways, parking areas, trash containment areas, or any other covered area along all lot lines abutting such residential district.
- C. Rear yard: Fifty (50) feet, except a rear yard abutting a residential district shall have a minimum yard of seventy-five (75) feet which shall be maintained free of all buildings, structures, paved or graveled areas, driveways, parking areas, trash containment areas, or any other covered area along all lot lines abutting such residential district.
- D. Each corner lot side yard shall be seventy-five (75) feet from the edge of the road right of way.
- E. Any building, structure or use that abuts a residential district shall be set back a minimum seventy-five (75) feet from a residential district.
- F. The minimum distance between buildings on the same lot shall be thirty (30) feet.
- G. Existing vegetation within any side yard and rear yard abutting a residential district shall be preserved to the maximum possible extent.
- H. Any building, structure, or use that abuts a residential district, a passive park district, or active park district shall be set back a minimum of seventy-five (75) feet from a residential district, a passive park district, or an active park district.

Section 8.08 *Maximum Height*

The maximum height for all buildings, structures, and uses shall be thirty five (35) feet and as set forth in Section 5.07.

Section 8.09 *Maximum Lot Coverage*

Lot coverage shall not exceed fifty (50) percent.

Section 8.10 *Minimum Floor Area*

The minimum floor area for any principal building or structure shall be one thousand two hundred (1200) square feet. Floor area shall be calculated in accordance with Section 2.01.

Section 8.11 *Permitted Buildings, Structures and Uses in Required Yards*

Permitted buildings, structures and uses in required yard areas shall be as set forth in Section 5.06

Section 8.12 *Driveways*

Refer to Section 11.07 for driveway regulations.

Section 8.13 *Screening and Landscaping*

All yards shall be entirely landscaped. Where the lot line of a lot abuts a residential district, a strip of land that is not less than ten feet (10) in width and running the length of the side and or rear yards adjacent to existing residential districts, and densely planted with trees or mounded, must be maintained along such boundary lines so as to form a year - round dense visual screen from the existing residential districts. The screen must have a minimum height of eight (8) feet from existing grade. The screening and landscaping shall be approved by the Zoning Inspector for permitted uses and by the Board of Zoning Appeals for conditional uses or for uses allowed by a variance. All screening and landscaping shall be installed within twelve (12) months from the date of issuance of the Zoning Certificate or the conditional Zoning Certificate, whichever is applicable.

All existing vegetation on a lot within seventy-five (75) feet and less of a residential district shall be preserved to the maximum possible extent to effectively screen any proposed or future use from existing residential districts.

Section 8.14 *Outside Sales*

Nothing shall be displayed for sale or stored in the open or outside of any building.

Section 8.15 *Trucks and Trailers*

Except for and during actual loading and unloading, no truck or trailer shall be parked on any lot for the receipt, storage, or sale of anything.

Section 8.16 *Signs*

Signs shall conform to the regulations stated in Article XII.

Section 8.17 *Occupancy of Existing Buildings*

Any building existing at the time such property is zoned to the Professional Office District may be occupied by any use permitted in this district regardless of the lot area, width or building setback, provided that it conforms to all other regulations of this chapter.

Section 8.18 *Lighting*

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

To this end and to minimize light trespass, all lighting fixtures with lamps rated at initial lumens of two thousand five hundred (2,500) or greater shall be the full cutoff type. For purposes of this regulation, a cull cutoff light fixture is defined as one which emits no light above a horizontal plane drawn through the lowest part of the fixture.

Exterior lighted signs shall utilize lighting which shines against the sign so that the light emitted directly from the fixture is not shining beyond the boundaries of the sign.

Section 8.19 *Conditional Buildings, Structures and Uses*

A. Conditions for Churches

1. No part of any building or lot shall be used for business, commercial, or non-church sponsored activities.
2. A church shall conform with all of the regulations for the zoning district in which it is located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII

B. Child day-care centers as licensed by the State of Ohio

Conditions for child day-care centers:

1. A child day-care center shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

Agriculture

Article IX. **Agriculture**Section 9.00 *Agriculture*

A. In any platted subdivision approved under section 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following shall apply:

1. On lots of one (1) acre or less, agricultural buildings, structures, and uses are regulated.
2. On lots greater than one (1) acre but less than five (5) acres, dairying and animal and poultry husbandry are regulated when at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Revised Code. After thirty-five percent (35%) of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.

B. In all other areas of the township, the following shall apply:

No Zoning Certificate is required for the construction of buildings incident to the use of land for agricultural purposes. An application shall nonetheless be filed. If the purpose is clearly demonstrated to be strictly agricultural in nature, the Zoning Inspector shall cause a "No Certificate Required" statement to be placed upon the face of the application. No certificate shall then be issued, and no fee shall be charged.

Section 9.01 *Farm Markets*

This section shall be applicable to 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.

Farm markets shall conform with all the regulations for the zoning district in which they are located. The following additional requirements shall apply:

A. Maximum Lot Coverage

The maximum lot coverage for all buildings, structures, and uses, including parking, storage, or display, of a farm market provided for in this section shall be as follows:

1. In a Commercial or Industrial District: fifty percent (50%).
2. In a Residential District: One percent (1%).

B. Size of the parking area

The size of the parking area required and regulations pertaining to egress and ingress for a farm market provided for in this section shall be as set forth in Article XI of this resolution.

C. Minimum yards

Minimum yards shall conform to the district in which the farm market is located.

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Article X. Conditional Uses**Section 10.00 Conditional Zoning Certificate Required**

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

Section 10.01 Contents of Application for a Conditional Zoning Certificate

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

All applications for conditional Zoning Certificates shall contain the following language:

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

All completed applications for a conditional Zoning Certificate shall be submitted to the township zoning inspector and shall include, at a minimum, the following information:

- A. The name, address, and telephone number of the applicant.
- B. The name, address and telephone number of the owner of record.
- C. The address of the 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 (in feet) of existing buildings or structures on the lot, if any.
3. The setback (in feet) from all lot lines of existing buildings or structures and uses on the lot, if any.
4. The dimensions (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
6. The setback (in feet) from all property lines of proposed buildings or structures and uses on the lot or of any addition or structural alteration to existing buildings or structures.
7. The height (in feet) of existing buildings or structures on the lot.
8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
9. The name and location of the existing road(s), public and private, adjacent to the lot.
10. The number of dwelling units existing (if any) and proposed for the lot.
11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
14. The location and description of 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. The location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
17. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
18. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

- K. Two (2) copies of an erosion control plan as required by Section 4.03 of this resolution or written documentation of plan approval from the Geauga Soil and Water Conservation District.
- L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
- M. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
- N. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the storm water management and erosion control plan.
- O. The "General Standards for Conditional Uses" listed under Section 10.08 may apply and may be required as a part of the application.
- P. The application fee.
- Q. 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 the Resolution.

Section 10.02 ***Transmittal of Application to Board of Zoning Appeals***

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

Section 10.03 ***Meeting of Board of Zoning Appeals***

The chairperson 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 chairperson or secretary. The hearing on the application may be continued from day to day for good cause shown.

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

Section 10.04 *Action by Board of Zoning Appeals*

- A. Hearings and decisions before the board of zoning appeals shall be conducted in accordance with Section 17.03 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 chairperson 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 10.05 *Issuance of Conditional Zoning Certificate*

Upon receiving written notice of the approval of an application for a conditional Zoning Certificate as provided by Section 10.04, the Zoning Inspector shall issue a conditional Zoning Certificate to the applicant.

Section 10.06 *General Conditions for Conditional Zoning Certificates*

All conditional Zoning Certificates shall contain the following conditions, in addition to those specifically required by other sections of this zoning resolution and those required by the Board of Zoning Appeals.

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

Section 10.07 *Revocation of Conditional Zoning Certificate*

A conditional Zoning Certificate shall be revoked by the Board of Zoning Appeals if:

- A. The conditional Zoning Certificate has been issued in error.
- B. The conditional Zoning Certificate was issued based upon a false statement by the applicant.
- C. The construction or use described in the conditional Zoning Certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and in said construction has not been completed within two (2) years from the date of issuance.

- D. The conditional use described therein is voluntarily discontinued for a period of two (2) years.
- E. Any of the conditions set forth in the conditional Zoning Certificate are violated.

Section 10.07.1 Procedure for Revocation of Conditional Zoning Certificate

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

When a conditional Zoning Certificate has been declared revoked by the board of zoning appeals, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the conditional Zoning Certificate. Such notice shall set forth the reason(s) for the revocation of the conditional Zoning Certificate. Such notice shall also include a statement that all construction upon or use of the building, structure or land described in the conditional Zoning Certificate shall cease unless and until a new conditional Zoning Certificate has been issued.

Section 10.08 *General Standards for Conditional Uses*

In addition to the specific requirements for conditional uses specified in Section 5.03, Section 6.03, Section 7.03, and Section 8.19 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 XI of this resolution.

- D. The type, size, location and number of proposed signs are in accordance with the provisions of Article XII of this resolution.
- E. The proposed use will be compatible with the township land use plan.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- G. The proposed use will be served adequately by essential public facilities including roads, police and fire protection, drainage structures, refuse disposal, water and sewage disposal facilities, and schools, or that the applicant shall be able to adequately provide such services.
- H. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- I. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare.
- J. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

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Article XI. Driveways, Parking, Loading/Unloading Spaces**Section 11.00 *General Requirements for Parking and Loading/Unloading Spaces in All Zoning Districts***

- A. Adequate parking and loading/unloading spaces in accordance with this resolution shall be provided at the time any building, structure, or use is located, erected, constructed, reconstructed, enlarged, structurally altered, or any use is changed.
- B. All parking and loading/unloading spaces shall be located totally outside of the right-of-way of any public or private road, and a minimum of ten (10) feet from a side lot line, except when a non residential zoned lot adjoins a residential zoned lot.
- C. All parking and loading/unloading spaces shall be located on the same lot as the use to be served.
- D. All parking and loading/unloading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, and roads.
- E. All parking and loading/unloading spaces together with driveways, aisles, and other circulation areas shall be improved with such material to provide a durable all-weather and dust free surface.
- F. The owner of the property used for parking and loading/unloading spaces shall maintain such areas in good condition without holes and free of all dust, trash, and other debris.
- G. All parking and loading/unloading spaces intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot or loading/unloading area shall be so arranged as to reflect the light away from the adjoining property or roads.
- H. All paved parking lots with a capacity over twenty (20) vehicles shall be striped or otherwise delineated between spaces to facilitate the movement into or out of parking spaces.
- I. All parking lots and loading/unloading spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and loading/unloading spaces from or into a public or private road shall be traveling in a forward motion. Access driveways for parking lots and loading/unloading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private road.
- J. All entrances and exits to and from any professional office (P-O), business/commercial (B-1), or industrial (M-1) lot or any residential lot or district where the principal use is non-residential or not a permitted use in the residential district (R-1), shall be directly upon a State highway and shall not cross through a residential lot or residential district (R-1). Existing legal non-conforming entrances, exits and driveways within residential districts (R-1) shall not be expanded in use to accommodate new or additional non-residential traffic related to proposed or existing legal non-conforming uses.

All entrances and exits to a parking lot shall be clearly marked. Interior vehicular circulation by way of access driveways and aisles shall maintain the following minimum standards:

- A. Driveways shall be in accordance with Article XI.
- B. Parking lots having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.
- K. Parking and loading/unloading spaces may be located in the front, side, or rear yard of any lot.
- L. Whenever a parking lot and/or loading/unloading area is located adjacent to a residential district, it shall be effectively screened on all sides, which adjoin or face any property zoned or used for residential purposes. Where the lot line of a parcel abuts a residential district, a strip of land densely planted with shrubs or trees must be maintained along such boundary line, so as to form a year-round dense visual screen. The screen must have a minimum height of six feet from grade extending along the property line adjacent to the lot's building, parking and loading areas and in other locations as necessary to effectively screen the proposed use from existing residential districts. The screening and landscaping shall be approved by the Zoning Inspector for permitted uses and by the Board of Zoning Appeals for conditional uses or for uses allowed by a variance. All screening and landscaping shall be installed within twelve (12) months from the date of issuance of the Zoning Certificate or the conditional Zoning Certificate, whichever is applicable.
- M. Parking commercial motor vehicles on residential lots – no more than one (1) commercial vehicle shall be parked on any lot in a residential zone.

Section 11.01 *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:

USE	PARKING SPACE REQUIRED
Single-family dwelling unit	Two (2) per dwelling unit.
Hotel, motel	One (1) for each sleeping room or suite
Private club or lodge	One (1) for each five (5) members
Church or temple	One (1) for each five (5) seats in main auditorium
School (except high school or college)	One (1) for each ten (10) seats in auditorium or main assembly room, or one (1) for each classroom, whichever is greater
High school or college	One (1) for each eight (8) seats in main

USE	PARKING SPACE REQUIRED
	auditorium or three (3) for each classroom, whichever is greater.
Country club or golf course	One (1) for each five (5) members
Community center, library, art gallery	Ten (10) plus one (1) museum, or additional for each three hundred (300) square feet of floor area in excess of two thousand (2000) square feet.
Hospital	One (1) for each three (3) beds
Theater or auditorium (except school auditorium), or gymnasium	One (1) for each five (5) seats or bench seating spaces
Bowling lanes	Five (5) for each lane
Mortuary or funeral home	One (1) for each thirty (30) square feet of floor space in parlors of each funeral service room
Restaurants, nightclubs, cafes including dance floors or similar recreation or amusement establishments	One (1) for each fifty (50) square feet of floor area devoted to patron use or one (1) for every three (3) seats, whichever is greater
Retail store or personal service establishment except as otherwise specified herein	Six (6) for each one thousand (1000) square feet of floor area
Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service	Two (2) plus one (1) additional for each two hundred (200) square feet of floor area over one thousand (1000) square feet.
Printing or plumbing shop or similar service establishment	Six (6) for each one thousand (1000) square feet of floor area
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, or similar establishment	One (1) for each two (2) employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith
Corporate office or headquarters bank, and other financial institution, loan company, and business service establishment or any other permitted use in the P.O. District.	Three (3) for each one thousand (1000) square feet of floor area

Section 11.02 *Handicapped Parking*

Parking spaces serving buildings and uses required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

Total Spaces on Lot	Number of Designated Accessible Handicapped Spaces
Up to 100	1 per 25 parking spaces
101-200	4, plus 1 per 50 spaces over 100
201-500	6, plus 1 per 75 spaces over 200
Over 500	10, plus 1 per 100 spaces over 500

Section 11.03 *Size 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 11.04 *Number of Loading/Unloading Spaces Required*

Each building or structure, lot or land used for business, commercial or industrial purposes and having a gross area in excess of eight thousand (8,000) square feet shall provide off-street loading spaces in accordance with the following schedule:

Gross Floor Area (Square Feet)	Required Number of Loading Spaces
8,000 to 20,000	1
20,000 to 40,000	2
40,000 to 100,000	3
Each additional 60,000 over 100,000	1 additional

Section 11.05 *Size of Loading/Unloading Spaces*

The width of a loading/unloading space shall be a minimum of ten (10) feet and 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 11.06 *Determination of the Number of Parking and Loading/Unloading Spaces Required*

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

Section 11.07 *Driveway Regulations*

A. Minimum Width of Driveways

Zoning District	Traffic Flow	Minimum Width
R-1	N/A	10 feet
B-1	One-way	15 feet
	Two-way	30 feet
M-1	One-way	15 feet
	Two-way	30 feet
P-0	One-way	15 feet
	Two-way	30 feet
A-P	One-way	15 feet
	Two-way	30 feet
P-P	One-way	15 feet
	Two-way	30 feet

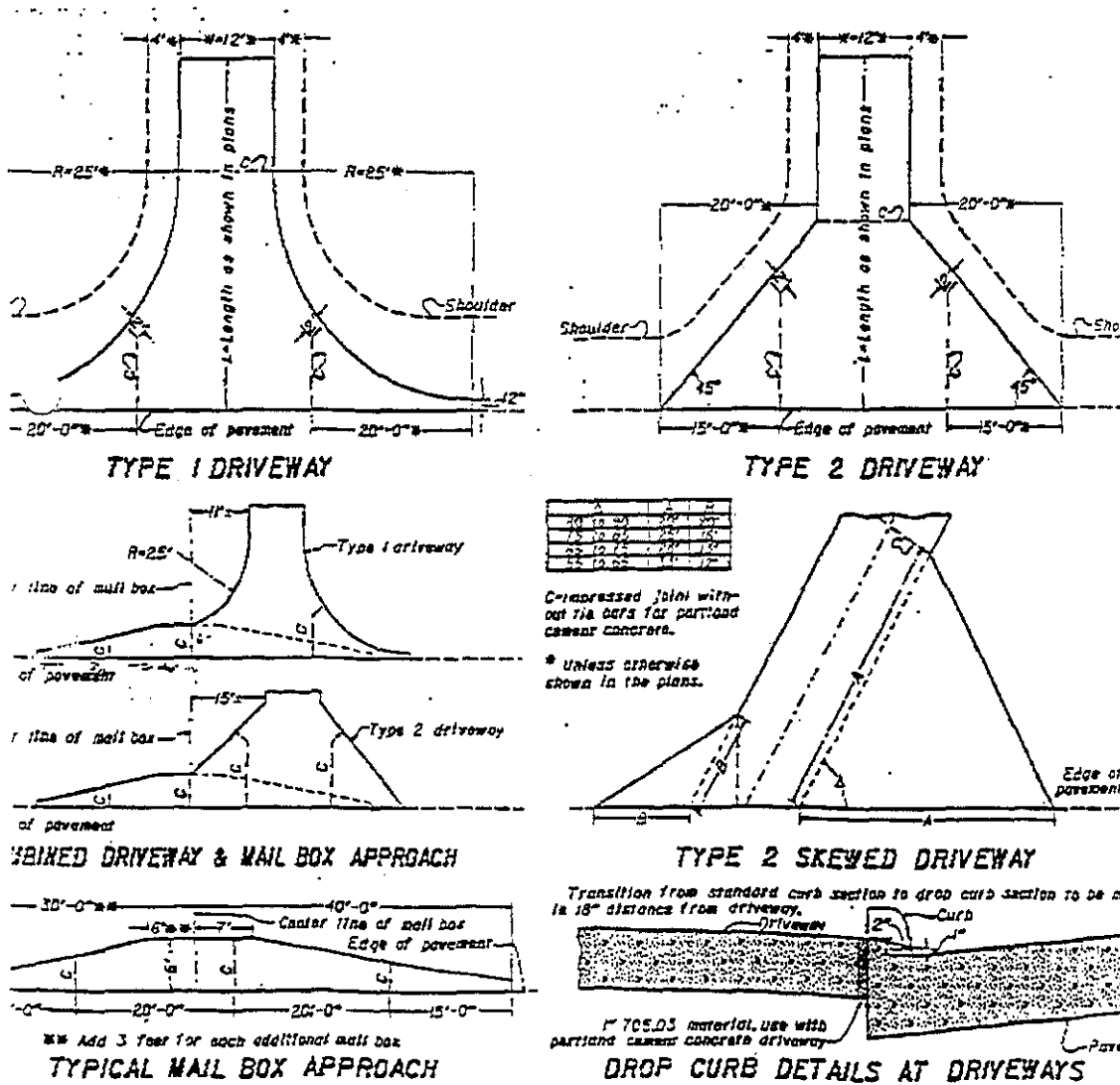
B. Driveway Entrances

A driveway shall be tapered from the point where it enters or leaves any dedicated road according to the guidelines in the attached drawing identified as "Standard Commercial Drive Designs or "Standard Residential Drive Designs".

C. Minimum Setback For Driveways

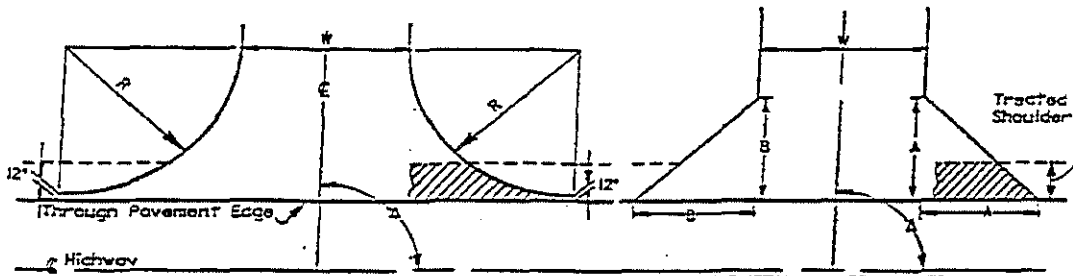
A driveway shall be setback a minimum of ten (10) feet from any side and rear lot lines, except when a non residential zoned lot adjoins a residential zoned lot.

Section 11.08 *Standard Residential Drive Designs*



Section 11.09 *Standard Commercial Drive Designs*

UNCURBED DRIVEWAY ALONG UNCURBED HIGHWAY



TYPE 1 (STANDARD DRAWING SP-4.1)

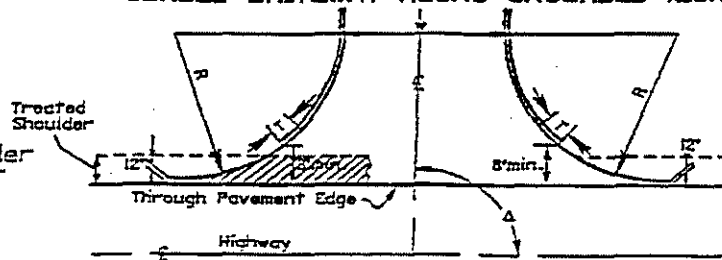
TYPE 2 (STANDARD DRAWING SP-4.2)

W = 35 ft. Maximum
 R = 25 ft. Minimum on Uncurbed Highway
 15 ft. Minimum on Curbed Highway
 T = Taper Curb Height from 6 in. to 2 in.
 in. 4 ft.
 70° to 90° (two-way operation)

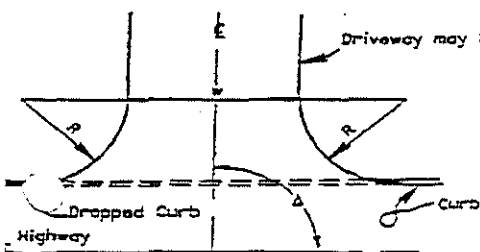
Δ	A	B
85° To 90°	20'	20'
75° To 85°	25'	16'
65° To 75°	28'	13'
55° To 65°	33'	12'

CURBED DRIVEWAY ALONG UNCURBED HIGHWAY

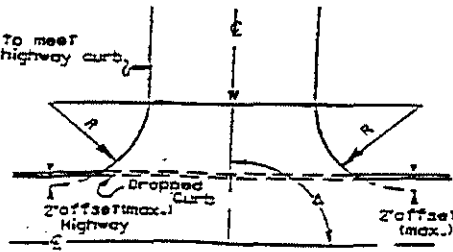
- Do not replace treated shoulder in this portion of drive flare if shoulder has equal or better pavement buildup.



CURBED OR UNCURBED DRIVEWAYS ALONG CURBED HIGHWAY



STANDARD CURB DETAILS (STANDARD DRAWING SP-4.1)



ALTERNATE DESIGN
 To be used when smaller curb opening is required for curb and gutter used.

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Article XII. **Signs**Section 12.00 ***Sign Definitions***

A. Types of Signs

1. ***"Billboard or off premises"*** 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. A bulletin board is an on-premises 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 use of the building is given.
6. ***"Governmental"*** means a sign located or erected by a political subdivision pursuant to law and serving an official function such as traffic control.
7. ***"Nameplate"*** means a sign indicating the name and/or address of the occupant of the premises, or of the premises themselves.
8. ***"Real estate"*** means a sign directing attention to the promotion, development, rental, sale, or lease of real property. A real estate sign is an on premises sign.
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 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, and which consists of no more than two faces.

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 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, and which consists of no more than two faces.
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 12.01 ***General Requirements for all Signs***

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

- A. Any illuminated sign or lighting device shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed upon a public or private road or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard, nuisance, or distraction.
- B. No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
- C. 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.
- D. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.
- E. No sign shall be placed within any public right-of-way except public utility or governmental signs. No signs shall be placed on a utility pole, except by the public utility owners.
- F. Should any sign be or become unsafe, unsightly, obsolete, or be in danger of falling, the owner of the real property upon which the sign is located shall, upon receipt of written notice from the zoning inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.

Section 12.02 ***Prohibited Signs in all Districts***

The following signs shall be prohibited in all zoning districts:

- A. 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.
- B. Signs which interfere with, imitate or resemble an official governmental sign, signal, or device.
- C. Signs illuminated so as to interfere with the effectiveness of or which obscure an official governmental sign, signal, or device.
- D. Roof signs
- E. Any sign not otherwise permitted in this article.

Section 12.03 ***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 12.04 ***Mobile Signs***

- A. A mobile sign may be displayed by a Newbury Township business, located in a P-O, B-1 or M-1 District, or a service organization or a non-profit organization. The mobile sign may be displayed not more than 45 days during any calendar year, and may not be larger than 4' x 6'.
- B. A permit shall be obtained from the Township Zoning Inspector for each use of the mobile sign. Said permit shall indicate the number of days the sign shall be displayed. This permit is for sign frame or message holder. The wording is not part of this permit.

Section 12.05 ***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 with a maximum area of 9 square feet per sign face which advertises the sale, lease, or rental of the premises upon which such sign is located.
 - 2. One (1) real estate development sign per subdivision with a maximum area of 25 square feet per sign face which advertises the sale of lots in the subdivision upon which such sign is located.
 - 3. One (1) nameplate sign per lot, dwelling unit, or use with a maximum area of 6 square feet per sign face indicating the name and addresses of the owners or occupants of the premises, or of the premises themselves.
 - 4. Directional (entrance and exit) signs on private property shall not exceed 4 square feet per sign face and no dimension shall exceed 4 feet. Directional signs must be on the affected premises.

5. Temporary signs may be erected only with the permission of the owner of the premises, and shall not be erected more than forty-five (45) days without replacement or removal during any calendar year. No temporary sign shall be posted in or erected in any place or in any manner which is destructive to property upon erection or removal. No temporary sign shall be erected within a public right-of-way nor shall any such sign be posted on a utility pole. Temporary signs shall be erected with a maximum size of six (6) square feet per sign face.
 6. One (1) development sign per subdivision or premises with a maximum area of 25 square feet per sign face. Such sign shall be maintained by the owner of the real property upon which the sign is located.
 7. Window Signs
 8. Signs not to exceed sixteen (16) square feet per sign face advertising on-premises sale of agricultural products.
 9. "No Trespassing" signs not to exceed four (4) square feet each and four (4) per lot.
 10. "No Hunting, Fishing or Trapping" signs not to exceed sixteen (16) square feet per lot. This may be one sign totaling sixteen (16) square feet per sign face or up to four (4) signs measuring sixteen (16) square feet in total.
 11. One help wanted sign per lot not to exceed four (4) square feet per sign face.
- 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 12.06 ***Signs Permitted in the Residential Zoning Districts***

- A. Except as provided in Section 12.05, no signs are permitted in residential zoning districts. No sign shall be illuminated by electricity, gas, or other artificial light, including reflecting light, in any residential zoning district.
- B. A church is permitted one ground or pylon bulletin board type sign with a maximum area of 25 square feet per sign face. Such sign shall be maintained by the owner of the real property upon which the sign is located. The sign shall meet all regulations of Sections 12.01, 12.02, 12.05, 12.08, 12.09, 12.10, 12.11, 12.12, and 12.13.

Section 12.07 ***Signs Permitted in the Commercial, Industrial and Professional Office Zoning Districts***

Only the following types or designs 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 limitations:

- A. Each commercial, industrial, or professional office use may be permitted one (1) of the following signs on the premises: wall, projecting, or marquee.
1. Wall signs shall have a maximum area of 25 square feet.
 2. Projecting signs shall have a maximum area of 25 square feet per sign face and shall not extend more than 6 inches measured from the face of the building to which such sign is attached.
 3. Marquee signs shall have a maximum area of 25 square feet.
 4. Notwithstanding the limits of 1, 2, and 3 above, no sign in a shopping center located on a storefront shall exceed 1½ square feet in area for each lineal foot of store frontage nor be more than 1 foot in height.
- B. In addition to a wall, projecting, or marquee sign each commercial, industrial, or professional office lot may be permitted one (1) ground or pylon sign. Such sign shall not exceed 25 square feet per sign face in area.
- C. In lieu of the permitted ground or pylon sign in paragraph B above, if two (2) or more uses in a building on a lot located in the commercial (B-1), industrial (M-1), or professional office (P-O) districts, may be permitted one (1) directory sign for all uses. A directory sign shall have a maximum area of 50 square feet per sign face.

Section 12.08 *Measurement of Sign Area*

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

Section 12.09 *Measurement of Sign Height*

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

Section 12.10 *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 8 feet.

Section 12.11 *Minimum Yard Requirements*

- A. Ground signs shall have a minimum setback from the road right-of-way as follows:

1. In residential zoning districts, no sign shall be erected or extend into the road right-of-way.
 2. In commercial, industrial districts, or professional office ground or pylon signs shall have a minimum setback of 5 feet from the road right-of-way.
- B. Ground or pylon signs shall have a minimum setback from the side lot lines as follows:
1. In residential zoning districts, ground or pylon signs shall have a minimum setback of 30 feet from the side lot line.
 2. In commercial, industrial, or professional office districts, ground or pylon signs shall have a minimum setback of 25 feet from the side lot line.

Section 12.12 ***Removal of Damaged Signs***

If the sign face of any conforming or 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 12.13 ***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 12.14 ***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 X. 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 Business/Commercial (B-1) or Industrial (M-1) district or on land 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 therefore unless it complies with all of the

following conditions. Each billboard shall be subject to the issuance of a separate conditional Zoning Certificate.

1. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in one direction. There shall not be more than one (1) billboard structure with a maximum of two (2) sign faces on a lot
2. A billboard shall be the principal use of the lot on which it is located.
3. The sign face area of a billboard shall be included in determining the maximum allowable signage on a lot for the zoning district in which it is located.
4. Billboards shall be spaced a minimum of one thousand (1000) feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the township, where the affected road extends beyond such boundaries.
5. A billboard shall be setback a minimum of three hundred (300) 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 five hundred (500) 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 fifty (50) 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 fifty (50) 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 five hundred (500) 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 fifty (50) feet from any accessory building or structure 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 twenty (20) feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.
13. The maximum sign face of a billboard shall be two hundred (200) square feet.
14. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.
15. No billboard shall project over a driveway.
16. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shield as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or 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 or animation.
18. All materials used in the construction operation of a billboard shall comply with the applicable provisions of the building 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 XIII. **Reserved for future use**

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Article XIV. Nonconforming Uses**Section 14.00 *Nonconforming Use of Buildings and Land Not Affected by Zoning***

The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of 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 14.01 *Completion of Nonconforming Building or Structure*

The construction of any dwelling, building or structure which commenced prior to the effective date of this resolution or amendment thereto, and for which a Zoning Certificate has been lawfully obtained, may be continued and completed, although such use does not conform with this resolution or amendment.

Construction is hereby defined as the placing of construction materials in permanent position and fastened in a permanent manner.

Construction must be completed within two (2) 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 Article XIV 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 14.02 *Restoration of Nonconforming Uses*

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 on 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 14.03 *Reconstruction of Nonconforming Uses*

- A. Should a nonconforming building or structure or nonconforming portion of a building or structure be damaged by any means to the extent of 60% or more of its replacement value as determined by the Township Zoning Inspector, it shall not be reconstructed except in conformity with the provisions of this resolution.

- B. Should a building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 14.04 *Extension of Nonconforming Uses*

- A. No lawful nonconforming building or structure may be enlarged, altered or relocated in a way which increases its nonconformity in use, but any building, structure or portion thereof, may be altered, enlarged, or relocated to decrease its nonconformity in use.
- 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.
- 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 lawful 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 lawful 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 lawful nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the lawful nonconforming use may not thereafter be resumed.

Section 14.05 *Extensions of Nonconforming Buildings and Structures*

Except as provided in Section 14.05 (A) and (B), 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, enlarged or relocated to decrease its nonconformity;

- A. Any building or structure in any zoning district which is lawfully nonconforming solely because it is located partially or entirely within the required front, back or side yard(s), may be enlarged, altered or relocated only if the following regulations(s) are met;

1. The proposed extension, alteration or relocation conforms to all current front yard, rear yard and side yard(s) setback requirements.
- B. Any single family dwelling within the R-1 Residential District which is nonconforming solely because it is located partially or entirely within the required front, rear or side yard(s), and the current side yard setback is no closer than ten (10) feet, may be enlarged, altered, or relocated under the following regulations:
 1. The proposed extension, alteration, or relocation does not extend a further distance away from the required yard setback line(s) than the existing nonconforming section of the single family dwelling, and meets the following regulations:
 - a. The proposed extension, alteration or relocation shall be limited in size to no more than 40 percent of the first floor living area of the existing single family dwelling.
 - b. If the proposed extension, alteration or relocation extends into the rear yard of the existing single family dwelling there shall be no restrictions in floor area, provided the required rear yard is not encroached upon.

Section 14.06 *Substitution of Nonconforming Uses*

A lawful nonconforming use may be substituted for another 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 14.07 *Nonconforming Lot of Record*

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

- A. It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.
- B. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.
- C. The amount of nonconformity has not been increased since it became nonconforming.
- D. The building, structure, or use complies with all other regulations set forth herein, except minimum lot area and/or minimum lot width. Provided, however, the minimum lot area and/or minimum lot width for "lots within the preexisting nonconforming Lake Communities" shall be as specified in Section 5.05.

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Article XV. Township Zoning Inspector**Section 15.00 *Position of Township Zoning Inspector Established***

For the purpose of enforcing these zoning regulations the position of township zoning inspector is hereby established; the board of township trustees may establish the position(s) of Assistant Township Zoning Inspector(s).

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

Section 15.01 *Zoning Inspector's Bond*

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

Section 15.02 *Duties of Township Zoning Inspector*

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

- A. Provide applications for Zoning Certificates to those persons who wish to apply for a Zoning Certificate.
- B. Receive and act upon applications for Zoning Certificates in accordance with Section 18.02 and Section 18.03.
- 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 18.05.
- F. Make inspections as required to fulfill his duties.
- G. Upon finding that any provision of this resolution is being violated, he 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 by this zoning resolution; and, safely keep all documents, including applications, complaints, Zoning Certificates, reports and inspections which are received, issued or

made in connection with his duties as zoning inspector. All such records and documents shall be indexed by name, address and date and kept in an orderly fashion and shall be open to public inspection. Copies of any of these records and documents shall be provided to any member of the public upon payment of a copying fee as established by the board of township trustees. None of the records or documents so kept shall be destroyed except upon compliance with R. C. 149.42.

- J. Receive for filing and note the date of filing of notices of appeal to the board of zoning appeals as provided in R.C. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the township Zoning Inspector.
- K. Upon receipt of a notice of appeal to the Board of Zoning Appeals, 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 with the township fiscal officer within twenty-four (24) consecutive hours of receipt pursuant to R.C. 117.17.

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Article XVI. Township Zoning Commission**Section 16.00 Township Zoning Commission Created**

The board of township trustees of any township proceeding under 519.04 of the Ohio Revised Code shall create and establish a township zoning commission. The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board of township trustees. The board of township trustees may appoint two alternate members to the township zoning commission, each for a two year term. The two alternate members shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the zoning commission.

- A. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission. An alternate member shall meet the same appointment criteria as a regular member. Alternate members of the zoning commission are expected to attend all meetings of the zoning commission even when they are not filling a vacancy. At such times their status as an active or inactive alternate member shall be made clear to all attending the 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. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county planning commission the board of township trustees may appoint qualified members of such commission to serve on the township zoning commission. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term.

Section 16.01 Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission.

- A. The Zoning Commission may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide. No Township Trustee shall be employed by the Zoning Commission of this 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 and supplements to this resolution and make recommendations on same to the Board of Township Trustees as specified in R.C Section 519.12 and Article XIX of this Resolution.

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Article XVII. Township Board of Zoning Appeals**Section 17.00 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 terms of all members of said Board of Zoning Appeals, shall be of such length and so arranged that the term of one (1) member will expire each year.

Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants, as it deems necessary.

Section 17.01 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 the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done. In determining an appeal requesting a variance, the Board shall base its findings on the criteria set forth in Section 17.03(B) subparagraph 13(c):
- C. Grant conditional Zoning Certificates for the use of land, buildings, or other structures in accordance with this resolution.
- D. Revoke an authorized variance or conditional Zoning Certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated in accordance with Section 10.07.

Section 17.02 *Rules, Organization, and Meetings of Board of Zoning Appeals*

- A. The township Board of Zoning Appeals shall organize and adopt rules in accordance with this zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson and at such other times as the Board of Zoning Appeals determines. The chairperson, or in his/her/absence the acting chairperson, 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. At their discretion, the Township Board of Trustees may appoint two (2) additional residents of the Township to serve as alternate members for each a two-year term. The two (2) alternate members shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the Board of Zoning Appeals. When filling a vacancy created by an absent regular member, the alternate member shall be subject to all responsibilities and privileges of a regular member under the by-laws of the Board of Zoning Appeals. Alternate members of the Board of Zoning Appeals are expected to attend all meetings 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 attending the 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 strike of the gavel and the swearing in of the audience.

The chairperson shall always preside over a meeting. Upon the chairperson's absence, the vice-chairperson shall preside. Upon the absences of both the chairperson and vice-chairperson at a meeting, the regular member with greatest seniority shall preside. At no time will an alternate preside.

The terms of the alternate members shall be staggered and so arranged that the term of one member shall expire on December 31 of every year. Each alternate shall serve until his successor is appointed and qualified unless the position of the alternate is abolished by the Township Board of Trustees. The position of alternate member may be abolished at any time at the pleasure and discretion of the Township Board of Trustees. An alternate member shall be removable for nonperformance of duty, misconduct in office,

or other causes by the Township Board of Trustees upon the same procedure as is applicable to regular members of the Board of Zoning Appeals.

Section 17.03 *Procedures of Board of Zoning Appeals*

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

All notices of appeal shall contain the following language:

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

All completed notices of appeal shall be filed with the township Zoning Inspector and the Board of Zoning Appeals and shall include, at a minimum, the following:

1. The name, address, and telephone number of the appellant, together with a list of the addresses from the county auditor's current tax list of all owners of property which are contiguous and directly across the street from the area where the variance or conditional use is sought.
2. The name, address, and telephone number of the owner of record.
3. The address of the property, if different from the appellant's current address.
4. Documentation as to authority to file notice of appeal (e.g., deed, power of attorney, lease or purchase agreement).
5. A legal description of the property, as recorded with Geauga County Recorder.
6. The current zoning district in which the property is located.
7. A description of the existing use of the property.
8. A description of the proposed use of the property.
9. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following:

- a. The dimensions (in feet) of all property lines and the total acreage of the property.
 - b. The dimensions (in feet) of existing buildings or structures on the property, if any.
 - c. The setback (in feet) from all property lines of existing buildings or structures on the property, if any.
 - d. The dimensions (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - e. The total amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - f. The setback (in feet) from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - g. The height (in feet) of existing buildings or structures on the property.
 - h. The height (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - i. The name and location of the existing road(s), public and private, adjacent to the property.
 - j. The number of dwelling units existing (if any) and proposed for the property.
 - k. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 - l. For commercial and industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
 - m. The location and dimensions (in feet) of any existing or proposed easements on the property.
10. The number of the application for the Zoning Certificate.
 11. All notices of appeal for signs shall include, at a minimum, 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 in square feet.
 - c. The location of the sign on the building, structure, or property including dimensions (in feet) from the front and side lot lines.

- d. The height (in feet) of the sign.
 - e. The method of illumination, if any.
 - f. The content of the sign.
12. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his authorized representative relative to the alleged error made by the zoning inspector in his determination of the application for the Zoning Certificate.
 13. For notices of appeal requesting a variance, the appellant or his authorized representative shall provide the following:
 - a. A statement relative to the exact nature of the variance requested.
 - b. The specific zoning regulation(s) shall be cited from which variance is requested.
 - c. Written justification for the requested variance shall be made by the appellant and the Board of Zoning Appeals shall determine if the proposed variance involves an "area" variance or a "use" variance.
 - I. 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:
 - i. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance.
 - ii. Whether the variance is substantial.
 - iii. Whether the essential character of the neighborhood would be substantially altered or whether adjoining lots would suffer a substantial detriment as a result of the variance.
 - iv. Whether the variance would adversely affect the delivery of governmental services
 - v. Whether the lot owner purchased the property with the knowledge of the zoning restriction.
 - vi. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance.
 - vii. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
 - viii. Such other criteria which the board believes relates to determining whether the zoning regulation is equitable.

- II. 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:
- i. The variance requested stems from a condition which is unique to the lot at issue and not ordinarily found in the same zone or district.
 - ii. The hardship condition is not created by actions of the applicant.
 - iii. The granting of the variance will not adversely affect the rights of adjacent owners.
 - iv. The granting of the variance will not adversely affect the public health, safety or general welfare.
 - v. The variance will be consistent with the general spirit intent of the zoning resolution.
 - vi. The variance sought is the minimum which will afford relief to the applicant.
 - vii. There is no other economically viable use which is permitted in the zoning district.

14. The appeal fee.

- a. 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 and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.
- b. Hearings before the Board of Zoning Appeals shall be conducted in accordance with the following:
 - I. Any person may appear in person or by attorney.
 - II. All testimony and evidence received by the board shall be given under oath or affirmation administered by the chairperson or in his absence the acting chairperson of the Board of Zoning Appeals.

- III. A party in interest shall be allowed:
- i. To present his position, arguments and contentions;
 - ii. To offer and examine witnesses and present evidence in support thereof;
 - iii. To cross-examine witnesses purporting to refute his position, arguments and contentions;
 - iv. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments and contentions;
 - v. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
- IV. The Board of Zoning Appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.
- V. An accurate record of the proceedings shall be kept and preserved by the Board of Zoning Appeals.
- c. Decisions of the Board of Zoning Appeals shall be in accordance with the following:
- All decisions shall include conclusions of fact of the board in support of the decision.
- I. A decision of the board and the adoption of conclusions of fact shall be made at a public meeting of the board.
 - II. 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.
 - III. The original written decision and conclusions of fact of the Board of Zoning Appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by the Board of Zoning Appeals with the township fiscal officer within five (5) days of the signing of the written decision and conclusions of fact by the Board of Zoning Appeals.
 - IV. Copies of the written and signed decision of the Board of Zoning Appeals shall be sent by ordinary mail, within two (2) days of the signing of the written decision, to the township Zoning Inspector and the appellant.
 - V. 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 17.04 *Supplementary Conditions on Variances*

The board of zoning appeals, in deciding any appeal for a variance, may provide such supplementary conditions which are reasonably related to the requested variance and are not in conflict with this resolution and which the board deems necessary to protect the public health, safety, and morals. 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 XV. Township Zoning Inspector**Section 15.00 *Position of Township Zoning Inspector Established***

For the purpose of enforcing these zoning regulations the position of township zoning inspector is hereby established; the board of township trustees may establish the position(s) of Assistant Township Zoning Inspector(s).

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

Section 15.01 *Zoning Inspector's Bond*

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

Section 15.02 *Duties of Township Zoning Inspector*

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

- A. Provide applications for Zoning Certificates to those persons who wish to apply for a Zoning Certificate.
- B. Receive and act upon applications for Zoning Certificates in accordance with Section 18.02 and Section 18.03.
- 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 18.05.
- F. Make inspections as required to fulfill his duties.
- G. Upon finding that any provision of this resolution is being violated, he 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 by this zoning resolution; and, safely keep all documents, including applications, complaints, Zoning Certificates, reports and inspections which are received, issued or

made in connection with his duties as zoning inspector. All such records and documents shall be indexed by name, address and date and kept in an orderly fashion and shall be open to public inspection. Copies of any of these records and documents shall be provided to any member of the public upon payment of a copying fee as established by the board of township trustees. None of the records or documents so kept shall be destroyed except upon compliance with R. C. 149.42.

- J. Receive for filing and note the date of filing of notices of appeal to the board of zoning appeals as provided in R.C. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the township Zoning Inspector.
- K. Upon receipt of a notice of appeal to the Board of Zoning Appeals, 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 with the township fiscal officer within twenty-four (24) consecutive hours of receipt pursuant to R.C. 117.17.

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Article XVI. Township Zoning Commission**Section 16.00 *Township Zoning Commission Created***

The board of township trustees of any township proceeding under 519.04 of the Ohio Revised Code shall create and establish a township zoning commission. The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board of township trustees. The board of township trustees may appoint two alternate members to the township zoning commission, each for a two year term. The two alternate members shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the zoning commission.

- A. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission. An alternate member shall meet the same appointment criteria as a regular member. Alternate members of the zoning commission are expected to attend all meetings of the zoning commission even when they are not filling a vacancy. At such times their status as an active or inactive alternate member shall be made clear to all attending the 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. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county planning commission the board of township trustees may appoint qualified members of such commission to serve on the township zoning commission. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term.

Section 16.01 *Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission.*

- A. The Zoning Commission may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide. No Township Trustee shall be employed by the Zoning Commission of this 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 and supplements to this resolution and make recommendations on same to the Board of Township Trustees as specified in R.C Section 519.12 and Article XIX of this Resolution.

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Article XVII. Township Board of Zoning Appeals**Section 17.00 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 terms of all members of said Board of Zoning Appeals, shall be of such length and so arranged that the term of one (1) member will expire each year.

Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants, as it deems necessary.

Section 17.01 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 the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done. In determining an appeal requesting a variance, the Board shall base its findings on the criteria set forth in Section 17.03(B) subparagraph 13(c):
- C. Grant conditional Zoning Certificates for the use of land, buildings, or other structures in accordance with this resolution.
- D. Revoke an authorized variance or conditional Zoning Certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated in accordance with Section 10.07.

Section 17.02 *Rules, Organization, and Meetings of Board of Zoning Appeals*

- A. The township Board of Zoning Appeals shall organize and adopt rules in accordance with this zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson and at such other times as the Board of Zoning Appeals determines. The chairperson, or in his/her/absence the acting chairperson, 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. At their discretion, the Township Board of Trustees may appoint two (2) additional residents of the Township to serve as alternate members for each a two-year term. The two (2) alternate members shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the Board of Zoning Appeals. When filling a vacancy created by an absent regular member, the alternate member shall be subject to all responsibilities and privileges of a regular member under the by-laws of the Board of Zoning Appeals. Alternate members of the Board of Zoning Appeals are expected to attend all meetings 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 attending the 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 strike of the gavel and the swearing in of the audience.

The chairperson shall always preside over a meeting. Upon the chairperson's absence, the vice-chairperson shall preside. Upon the absences of both the chairperson and vice-chairperson at a meeting, the regular member with greatest seniority shall preside. At no time will an alternate preside.

The terms of the alternate members shall be staggered and so arranged that the term of one member shall expire on December 31 of every year. Each alternate shall serve until his successor is appointed and qualified unless the position of the alternate is abolished by the Township Board of Trustees. The position of alternate member may be abolished at any time at the pleasure and discretion of the Township Board of Trustees. An alternate member shall be removable for nonperformance of duty, misconduct in office,

or other causes by the Township Board of Trustees upon the same procedure as is applicable to regular members of the Board of Zoning Appeals.

Section 17.03 *Procedures of Board of Zoning Appeals*

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

All notices of appeal shall contain the following language:

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

All completed notices of appeal shall be filed with the township Zoning Inspector and the Board of Zoning Appeals and shall include, at a minimum, the following:

1. The name, address, and telephone number of the appellant, together with a list of the addresses from the county auditor's current tax list of all owners of property which are contiguous and directly across the street from the area where the variance or conditional use is sought.
2. The name, address, and telephone number of the owner of record.
3. The address of the property, if different from the appellant's current address.
4. Documentation as to authority to file notice of appeal (e.g., deed, power of attorney, lease or purchase agreement).
5. A legal description of the property, as recorded with Geauga County Recorder.
6. The current zoning district in which the property is located.
7. A description of the existing use of the property.
8. A description of the proposed use of the property.
9. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following:

- a. The dimensions (in feet) of all property lines and the total acreage of the property.
 - b. The dimensions (in feet) of existing buildings or structures on the property, if any.
 - c. The setback (in feet) from all property lines of existing buildings or structures on the property, if any.
 - d. The dimensions (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - e. The total amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - f. The setback (in feet) from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - g. The height (in feet) of existing buildings or structures on the property.
 - h. The height (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - i. The name and location of the existing road(s), public and private, adjacent to the property.
 - j. The number of dwelling units existing (if any) and proposed for the property.
 - k. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 - l. For commercial and industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
 - m. The location and dimensions (in feet) of any existing or proposed easements on the property.
10. The number of the application for the Zoning Certificate.
 11. All notices of appeal for signs shall include, at a minimum, 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 in square feet.
 - c. The location of the sign on the building, structure, or property including dimensions (in feet) from the front and side lot lines.

- d. The height (in feet) of the sign.
 - e. The method of illumination, if any.
 - f. The content of the sign.
12. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his authorized representative relative to the alleged error made by the zoning inspector in his determination of the application for the Zoning Certificate.
13. For notices of appeal requesting a variance, the appellant or his authorized representative shall provide the following:
- a. A statement relative to the exact nature of the variance requested.
 - b. The specific zoning regulation(s) shall be cited from which variance is requested.
 - c. Written justification for the requested variance shall be made by the appellant and the Board of Zoning Appeals shall determine if the proposed variance involves an "area" variance or a "use" variance.
 - I. 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:
 - i. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance.
 - ii. Whether the variance is substantial.
 - iii. Whether the essential character of the neighborhood would be substantially altered or whether adjoining lots would suffer a substantial detriment as a result of the variance.
 - iv. Whether the variance would adversely affect the delivery of governmental services
 - v. Whether the lot owner purchased the property with the knowledge of the zoning restriction.
 - vi. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance.
 - vii. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
 - viii. Such other criteria which the board believes relates to determining whether the zoning regulation is equitable.

- II. 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:
- i. The variance requested stems from a condition which is unique to the lot at issue and not ordinarily found in the same zone or district.
 - ii. The hardship condition is not created by actions of the applicant.
 - iii. The granting of the variance will not adversely affect the rights of adjacent owners.
 - iv. The granting of the variance will not adversely affect the public health, safety or general welfare.
 - v. The variance will be consistent with the general spirit intent of the zoning resolution.
 - vi. The variance sought is the minimum which will afford relief to the applicant.
 - vii. There is no other economically viable use which is permitted in the zoning district.

14. The appeal fee.

- a. 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 and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.
- b. Hearings before the Board of Zoning Appeals shall be conducted in accordance with the following:
 - I. Any person may appear in person or by attorney.
 - II. All testimony and evidence received by the board shall be given under oath or affirmation administered by the chairperson or in his absence the acting chairperson of the Board of Zoning Appeals.

- III. A party in interest shall be allowed:
- i. To present his position, arguments and contentions;
 - ii. To offer and examine witnesses and present evidence in support thereof;
 - iii. To cross-examine witnesses purporting to refute his position, arguments and contentions;
 - iv. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments and contentions;
 - v. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
- IV. The Board of Zoning Appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.
- V. An accurate record of the proceedings shall be kept and preserved by the Board of Zoning Appeals.
- c. Decisions of the Board of Zoning Appeals shall be in accordance with the following:
- All decisions shall include conclusions of fact of the board in support of the decision.
- I. A decision of the board and the adoption of conclusions of fact shall be made at a public meeting of the board.
 - II. 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.
 - III. The original written decision and conclusions of fact of the Board of Zoning Appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by the Board of Zoning Appeals with the township fiscal officer within five (5) days of the signing of the written decision and conclusions of fact by the Board of Zoning Appeals.
 - IV. Copies of the written and signed decision of the Board of Zoning Appeals shall be sent by ordinary mail, within two (2) days of the signing of the written decision, to the township Zoning Inspector and the appellant.
 - V. 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 17.04 *Supplementary Conditions on Variances*

The board of zoning appeals, in deciding any appeal for a variance, may provide such supplementary conditions which are reasonably related to the requested variance and are not in conflict with this resolution and which the board deems necessary to protect the public health, safety, and morals. 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 XVIII. Enforcement**Section 18.00 *Zoning Certificate Required***

- A. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure nor shall any building, structure, or real property be changed in use within the territory included in this zoning resolution without obtaining a Zoning Certificate and no such Zoning Certificate shall be issued unless the plans for the proposed building, structure or use fully comply with this zoning resolution.
- B. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure:
 - 1. To provide for greater height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area;
 - 4. To have narrower or smaller front yards, side yards, rear yards, or other open 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 public or private road that meets the minimum specifications of the Geauga County Subdivision Regulations, 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.
- E. A Zoning Certificate may be reissued if construction does not begin within one (1) year and is not completed within two (2) years from the date of issuance if all terms of the approved application are unchanged and remain in compliance with the current zoning resolution. A reissued Zoning Certificate requires submission of an application for a Zoning Certificate with supplemental statement attesting that no changes have been made to the original application, site plan, building plan, soil erosion plan, septic plan, driveway permit, deed or other required permits, plans or documentation

Section 18.01 *Contents of Application for a Zoning Certificate*

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

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

All completed applications for a Zoning Certificate shall be submitted to the township zoning inspector and shall include, at a minimum, the following information:

- A. The name, address and telephone number of the applicant.
- B. The name, address and telephone number of the owner of record.
- C. The address of the lot, if different from the applicant's current address.
- D. Documentation as the authority to make application (e.g., deed, power of attorney, lease, or purchase agreement).
- E. A legal description of the lot, as recorded with the Geauga County Recorder.
- F. The current zoning district in which the lot is located.
- G. A description of the existing use of the lot.
- H. A description of the proposed use of the lot.
- I. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following:
 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 structures and uses on the lot, if any.
 3. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to the existing buildings or structures.
 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 6. The setback (in feet) from all lot lines of proposed buildings structures and uses on the lot or of any addition or structural alteration to existing buildings or structures.
 7. The height (in feet) of existing buildings or structures on the lot.
 8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 9. The name and location of the existing road(s), public and private, adjacent to the lot.

10. The number of dwelling units existing (if any) and proposed for the lot.
 11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 12. For professional office, 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. Any use for which the Government of United States or the State of Ohio requires an environmental study and impact statement, a copy of the completed impact statement shall be included with this application
 15. The location and description of existing and proposed landscaping and buffers areas on the lot.
 16. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
 17. For all zoning districts: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures as defined in this Amendment.
 18. For professional office, commercial and industrial uses: the location and dimension of any exterior display, sales or storage areas on a lot.
 19. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
- J. Provide the type and design of any sign(s), including two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing the following:
1. The dimensions (in feet) of the sign.
 2. The area of the sign (per sign face) in square feet.
 3. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.
 4. The height (in feet) of the sign.
 5. The method of illumination, if any.
 6. The dimensions of the lettering and / or elements of the matter displayed (e.g. a logo)
- K. Two (2) copies of an erosion control plan as required by Section 4.03 of this resolution or written documentation of plan approval from the Geauga Soil and Water Conservation District.

- L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable
- M. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
- N. The application fee.
- O. 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.

Section 18.02 *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 provision of this zoning resolution.

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

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

Section 18.03 *Submission to Director of Ohio Department of Transportation*

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

The zoning inspector shall not issue a Zoning Certificate for one hundred twenty (120) days from the date the notice is received by the director. If the director of transportation notifies the zoning inspector that he has purchased or has initiated proceedings to appropriate the land which is subject of the amendment, then the zoning inspector shall refuse to issue the Zoning Certificate. If the director notifies the zoning inspector that he has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty

(120) day period or any extension thereof agreed upon by the director and the property owner, the zoning inspector shall act upon the application in accordance with the provisions of this resolution.

Section 18.04 *Revocation of Zoning Certificate*

A Zoning Certificate shall be revoked by the zoning inspector if:

- A. The Zoning Certificate has been issued in error by the zoning inspector.
- B. The Zoning Certificate was issued based upon a false statement by the applicant.
- C. The construction or use described in the Zoning Certificate has not begun within one (1) year from the date of issuance or if construction has begun within one (1) year and said construction has not been completed within two (2) years from the date of issuance.
- D. 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 XVII of this resolution. Such notice shall also include a statement that all construction upon or use of the building, structure, or land described in the Zoning Certificate shall cease unless and until a new Zoning Certificate has been issued.

Section 18.05 *Complaints Regarding Violations*

Whenever an alleged violation of this resolution occurs any person may file a written complaint with the zoning inspector. All alleged violations shall be presented to the Zoning Inspector via the Newbury Township "Complaint of Zoning Violation" form. 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.

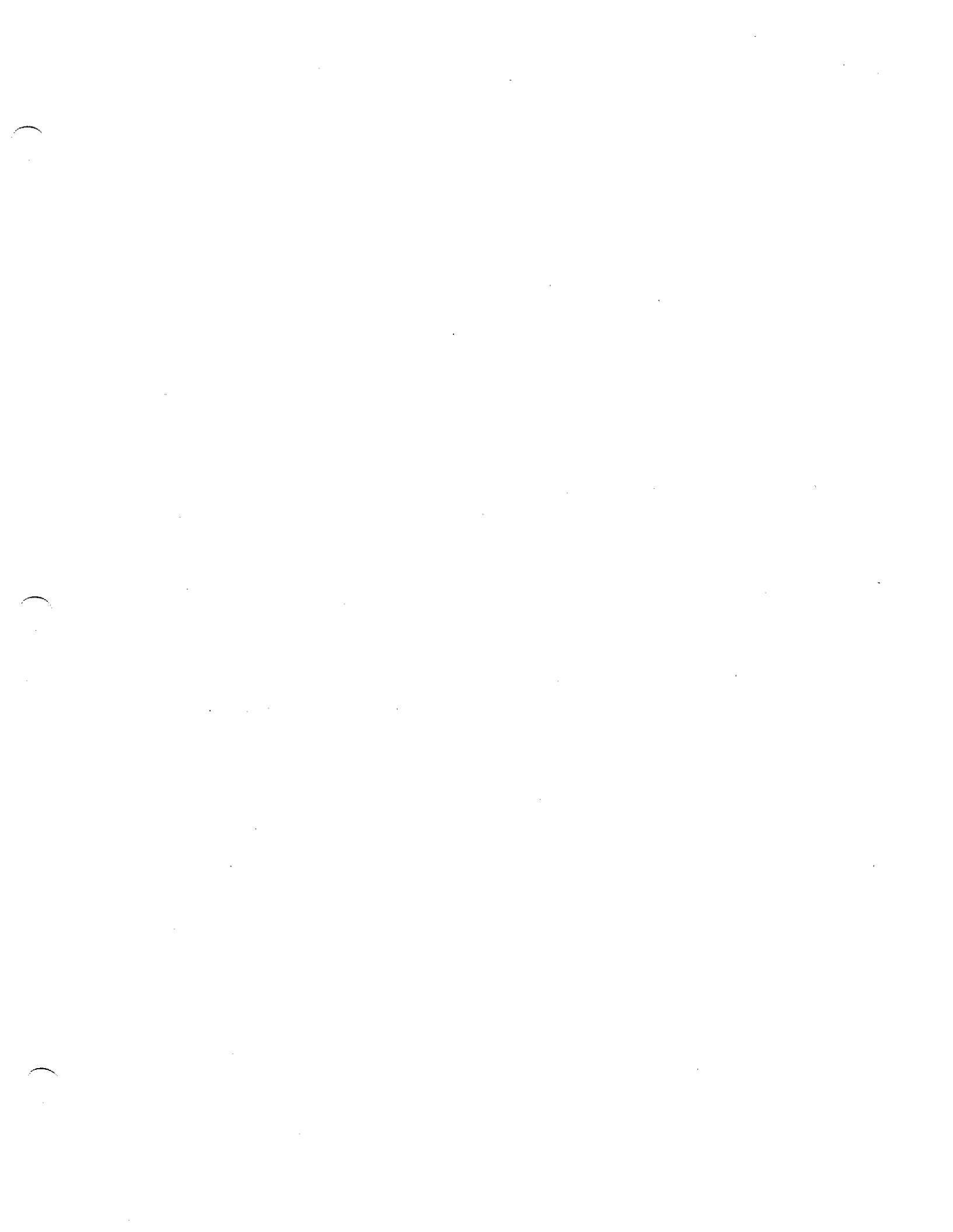
Section 18.06 *Prohibition Against Violating Zoning Resolution*

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

Section 18.07 *Action to Prevent Violations of Zoning Regulations*

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation

of sections 519.01 to 519.99 inclusive of the Revised Code or of any regulation or provision adopted by the board of township trustees under such sections, such board, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.



Article XIX. Amendments**Section 19.00 *A 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 19.01 *Contents of Application for a Zoning Amendment*

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

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

Such application shall include the following information:

- A. The name, address and telephone number of the applicant.
The address of the property, if different from the applicant's current address.
- B. A description of the present use of the property.
- C. A description of the present zoning classification of the property.
- D. The text of the proposed amendment.
- E. The proposed zoning district, if applicable.
- F. A legal description of the real property which is the subject of the proposed amendment.
- G. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the property.
- H. A copy of the official township zoning map with the area proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable.
- I. A statement relative to the reason(s) for the proposed amendment and how it may relate to the township land use plan.
- J. A list of the addresses from the county auditor's current tax list of all owners of property within and contiguous and directly across the street from the area to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.
- K. The application fee, as established by resolution of the board of township trustees, to defray the costs of advertising, mailing and other expenses.

Section 19.02 *Submission to Director of Ohio Department of Transportation*

Before any zoning amendment or supplement is adopted affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to the board of township trustees and township zoning inspector by the director of transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the board of township trustees shall give notice, by registered or certified mail to the director of transportation.

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

Article XXI. Passive Park District**Section 21.00 Purpose**

The Passive Park District is established for the following purposes: to protect and preserve park lands, wilderness areas, open spaces, and scenic areas; to conserve fish and wildlife; to promote forestry, wetlands, and other natural habitats; to protect, promote and maintain the area's ecosystem; to enhance the public's knowledge of the area's ecosystem; and to educate the public with respect to the preservation of natural habitats. The uses of property in such District are intended to be of a passive nature such that they do not disturb the natural terrain, habitat and wildlife of the area but rather enhance such conditions and the passive enjoyment thereof.

Section 21.01 Principal Permitted Buildings, Structures, and Uses

- A. Agriculture.
- B. Passive open space.
- C. Cross-country skiing, ice skating, and snow shoeing
- D. Wetlands
- E. Ponds or lakes for fishing and/or Swimming.
- F. Hiking and nature observation
- G. Botanical gardens
- H. Scientific and educational research.
- I. Bicycling

Section 21.02 Permitted Accessory Buildings, Structures, and Uses

- A. Fences
- B. Foot Trails
- C. Board walks
- D. Observation decks
- E. Containers and dumpsters for waste materials.
- F. The maintaining of fences, foot trails, board walks, picnic pavilions, gazebos, water fountains, and observation decks as may be appropriate to effectuate the foregoing purposes without impairing the essential natural character of the property is permitted. Appropriate management activities shall include, but shall not be limited to, control of

non-native species of flora and fauna, and management activities intended to promote or sustain populations of rare species and/or communities.

Section 21.03 *Conditional Buildings, Structures, and Uses*

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

- A. Buildings, structures, facilities and uses which enhance the public's awareness of the area's ecosystem as well as educate the public about maintaining and preserving the area's natural habitat.
 - 1. No part of any building, structure, facilities, use or lot shall be used for non-park sponsored activities.
- B. Other customary accessory uses and structures which are clearly incidental to permitted uses or structures as authorized by the Zoning Board of Appeals
 - 1. No part of any accessory use or structure shall be used for non-park sponsored activities.
- C. Non-vehicular trails which include surface improvements such as sand, gravel, pavement, drain pipes and the like.
 - 1. All non-vehicular trails which include surface improvements shall be a minimum of three (3) feet wide.

Section 21.04 *Prohibited Uses*

The following uses, though not an exclusive listing, are specifically prohibited within a Passive Park District.

- A. Overnight camping
- B. Ball fields
- C. Car washing
- D. Golf courses
- E. Tennis courts
- F. Hunting
- G. Dumping of trash, waste or other offensive materials of any kind
- H. All uses listed in Section 4.01

Section 21.05 ***Minimum Yards, Lot Width and Lot Area for Permitted and Accessory Buildings, Structures and Uses***

The specific requirements for the Passive Park (P-P) District are contained in the following table:

Passive Park District P-P					
Front Yard Setback from edge of right of way	Side Yard	Rear Yard	Corner Lot Side Yard	Lot Width	Minimum Lot Area
100	30	50	100	200	3 acres

The minimum lot width for any lot shall be two hundred (200) feet.

Section 21.06 ***Minimum Yard Dimensions for Conditional Uses***

- A. Front yard one hundred fifty (150) feet
- B. Each side yard fifty (50) feet
- C. Rear yard one hundred (100) feet.
- D. Any building, structure or use that abuts a residential district shall be set back a minimum of two hundred (200) feet

Section 21.07 ***Maximum Height of Buildings***

The maximum height of any building, including appurtenant or accessory structures such as towers, turrets, poles, and antennas shall not exceed two and one half stories or measure more than thirty-five (35) feet above ground, whichever is less

Section 21.08 ***Site plan approval for Conditional Uses***

None of the conditional uses authorized for a Passive Park District shall be permitted until a site plan showing the proposed development of the area and use regulations submitted by the owner have been approved pursuant to Article X of the Newbury Township Zoning Resolution.

After approval, a copy of the approved plan shall be filed with the Zoning Inspector, and no Zoning Certificate shall be issued except in conformity with the Plan. No zoning fees shall be charged for any permit or approval required herein.

Section 21.09 *Parking*

All parking shall be subject to review under conditional use regulations, and in accordance with the standards set forth in Article XI.

Section 21.10 *Signs*

All signs shall be subject to review under conditional use regulations, and in accordance with the standards set forth in Article XII.

Article XXII. Active Park District**Section 22.00 Purpose**

The Active Park District is established to provide recreational facilities for the general population within a park-like setting and atmosphere; to promote certain healthy and beneficial outdoor leisure time activities for the general population which do not present a significant risk of harm to others, and to afford reasonable access for the public to outdoor athletic, social and educational activities. Unlike the Passive Park District, this District recognizes that certain outdoor activities may require modification and alteration of natural terrain and disturbance of natural habitat. The Active Park District is created to 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.

Section 22.01 Permitted Principal Structures and Uses

- A. Ballgames, including hardball, softball, soccer, football, lacrosse, rugby and other similar athletic activities
- B. Jogging
- C. Tennis
- D. Swimming
- E. Picnic grounds, campgrounds
- F. Playgrounds
- G. Bicycling
- H. Dugouts, ball fields, fences, backstops, goal posts, hard surface tennis courts and other similar structures or facilities necessary to carrying on of any permitted use. Grandstands for spectators shall be limited, however, to four (4) rows in height and thirty (30) feet in length, two such grandstands per ball field.
- I. Barbeque pits and similar cooking facilities, and shelters.
- J. Swimming pools and pool houses.
- K. All uses permitted in a Passive Park District.

Section 22.02 Prohibited Uses

The following uses, though not exclusive, are specifically prohibited within an Active Park District.

- A. All terrain vehicles, motorbikes, snowmobiles
- B. Golf courses

- C. Survival games
- D. Any activity involving the use of firearms, including hunting, skeet-shooting, and target practice crossbow or archery
- E. Dumping of trash, waste or other offensive materials of any kind
- F. All uses listed in Section 4.01

Section 22.03 *Minimum Yards, Lot Width and Lot Area for Permitted and Accessory Buildings, Structures and Uses*

The specific requirements for the Active Park (A-P) District are contained in the following table:

Active Park District A-P					
Front Yard Setback from edge of right of way	Side Yard	Rear Yard	Corner Lot Side Yard	Lot Width	Minimum Lot Area
150	30	50	100	300	10 acres

The minimum lot width for any lot shall be three hundred (300) feet.

Any building, structure or use that abuts a residential district shall be set back a minimum of two hundred (200) feet.

Section 22.04 *Maximum Height of Buildings*

The maximum height of any building, including appurtenant or accessory structures, such as towers, turrets, poles or antennas shall not exceed two and one half stories or measure more than thirty-five (35) feet above ground, whichever is less.

Section 22.05 *Parking and Signs in Active Park District*

These standards shall apply to all property located in the Active Park Districts

- A. All driveways, roads and parking areas shall be developed so as to blend with the natural features of the landscape and minimize the visual and ecological impact upon the Park District. The Zoning Board of Appeals may limit the maximum parking so as to preserve and protect the natural features and uses for which the Park District is established.
- B. All signs will be permitted without the requirement to obtain a permit when they are not visible from any public road or are informational only and limited to information about the Park District. All signs shall be designed and placed so as to minimize the

visual and ecological impact upon the Park District. No advertising signs shall be permitted.

Article XXIII. Adult Oriented Businesses**Section 23.00 Purpose**

The purpose of this Article is to set forth the conditions, locations and operations for Adult Oriented Businesses in Newbury Township.

Section 23.01 Conditions for Adult Oriented Businesses

An adult oriented business shall be subject to the procedure for conditional Zoning Certificates as set forth in Article X of this resolution, the general conditions for conditional uses as provided in Article X of this resolution, and the following specific conditions. All adult oriented businesses shall be allowed only in the (M-1) Industrial District. 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 1500 feet from a church or place of worship, a public or private school, a 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 playground, a child day care center, a governmental office, or a public library.
- B. An adult oriented business shall be located more than 500 feet from a public park
- C. An adult oriented business shall be located more than 500 feet from any residential zoning district boundary as established in this resolution and shown on the official township zoning map, the lot line of a lot devoted to a residential use, any boundary of a residential zoning district contiguous with the township, or any building that contains a residence. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of the lot or premises devoted to a residential use or possession of a building devoted to a residence, or to the nearest boundary of an affected residential zoning district.
- D. An adult oriented business shall be located more than 1500 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

- E. 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.
- F. An adult oriented business shall be conducted within a fully enclosed building.
- G. Management personnel shall be present at all times when an adult oriented business is open for operation.
- H. 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
- I. 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.
- J. An adult oriented business shall comply with all of the signage regulations in this resolution for the zoning district in which it is located.
- K. 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.
- L. An adult oriented business shall comply with such other specific conditions related to the promotion and protection of the public health, safety, and morals as determined by the board of zoning appeals.

Section 23.02 *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 1500 feet, of a residential zoning district boundary or a residential use on a lot within 1500 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.

ALTERNATIVE ENERGY

Section 24.00 Solar Panels

Section 24.01 Definitions

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

Section 24.02 Permitted Accessory Use

A solar panel or a solar panel array, whether freestanding or roof mounted, shall be classified as a permitted accessory use in the R-1, B-1, M-1, A-P and P-O zoning districts and within all districts shall be subject to the following regulations:

A. Roof mounted solar panels and solar panel arrays

- 1. Roof line: Shall not extend beyond the roof line in any direction including the peak.
- 2. Roof projection: Shall not reflect any apparent change in relief or projection of any roof elevation.
- 3. Roof height projection: On a flat roof, (less than 17 degrees or 2/12 pitch), panels and/or arrays shall not project vertically more than 10 feet from the surface of the roof.
- 4. Glare: Shall not be positioned so as to create glare on to adjacent roads or buildings on adjacent lots.
- 5. Other codes: Shall be installed in accordance with all applicable building and electrical codes.
- 6. Signage: Shall not have any signage attached except any owner's, manufacturer's and installer's identification and appropriate warning signage. The sign face of such signage shall not exceed 1 square foot.
- 7. An application and site plan for a Zoning Certificate shall be submitted to the Zoning Inspector on forms provided by the Zoning Inspector.

8. Decommissioning: Zoning Inspector shall be notified in writing by the owner upon permanent discontinuance of energy production, and panels and/or arrays shall be completely removed when practical, eg. replacement of the building roof.

9. Other Regulations: Shall be in accordance with all other applicable regulations for the zoning district in which it is located.

B. Freestanding solar panels and solar panel arrays

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

2. Minimum setbacks: Shall be setback from all lot lines in accordance with the minimum front, side, and rear yards for the zoning district in which it is located.

3. Height: Maximum height shall be 25 feet measured vertically from the finished grade level immediately adjacent to the mounting base of the solar panel to its highest point.

4. Lot coverage: Maximum lot coverage shall be 10 percent (10%), measured as the area of the face of the solar panels.

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

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

7. 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 1 square foot.

8. An application and site plan for a Zoning Certificate shall be submitted to the Zoning Inspector on forms provided by the Zoning Inspector.

9. Panels and/or Arrays having a ground storage battery shall be housed with a secured cover.

10. All freestanding Solar Energy Panels and/or arrays shall be able to withstand wind velocities of no less than one-hundred and ten (110) MPH.

11. Decommissioning: Zoning Inspector shall be notified by the owner in writing upon permanent discontinuance of energy production, and panels and/or arrays shall be completely removed within 9 months of discontinuance of use and the affected area shall be fully restored to its preconstruction condition within 3 months from the date of such removal.

12. Other regulations: Shall be in accordance with all other applicable regulations for the zoning district.

