



# **ZONING RESOLUTION**

**Parkman Township**

**Geauga County, Ohio**



Section 403.10	Minimum Distance between Buildings.....	48
Section 403.11	Permitted Buildings, Structures, and Uses in Required Yards.....	48
Section 403.12	Exterior Lighting.....	48
Section 403.13	Fire Protection Ponds.....	49
Section 403.14	Exterior Display or Sales Areas.....	49
Section 403.15	Exterior Storage Areas and Trash Receptacles.....	49
Section 403.16	Sewage Treatment Facilities.....	49
Section 403.17	Minimum Floor Area For Single Family Residential Dwellings.....	49
Section 404.0 I:	Industrial District.....	49
Section 404.1	Permitted Principal Buildings, Structures, and Uses.....	49
Section 404.2	Permitted Accessory Buildings, Structures, and Uses.....	51
Section 404.3	Conditional Buildings, Structures, and Uses.....	51
Section 404.4	Minimum Lot Area.....	51
Section 404.5	Minimum Lot Frontage and Width.....	51
Section 404.6	Minimum Yards.....	51
Section 404.7	Maximum Height.....	52
Section 404.8	Maximum Lot Coverage.....	52
Section 404.9	Permitted Buildings, Structures, and Uses in Required Yard.....	52
Section 404.10	Minimum Distance between Buildings.....	52
Section 404.11	Exterior Lighting.....	52
Section 404.12	Fire Protection Ponds.....	53
Section 404.13	Exterior Display or Sales Areas.....	53
Section 404.14	Exterior Storage Areas and Trach Receptacles.....	53
Section 404.15	Sewage Treatment Facilities.....	53
Section 404.16	Minimum floor Area for Single Family Residential Dwellings.....	53
<b>ARTICLE V: CONDITIONAL USES.....</b>		<b>55</b>
Section 500.2	Transmittal of Application to Board of Zoning Appeals.....	54
Section 501.0	Meeting of Board of Zoning Appeals.....	54
Section 501.1	Action by Board of Zoning Appeals.....	55
Section 502.0	Issuance of Conditional Zoning Certificate.....	55
Section 503.0	General Conditions for Conditional Zoning Certificates.....	55
Section 504.0	Revocation of Conditional Zoning Certificate.....	55
Section 504.1	Procedure for Revocation of Conditional Zoning Certificate.....	55
Section 505.0	General Standards for Conditional Uses.....	56
<b>ARTICLE VI: PARKING AND LOADING/UNLOADING SPACES.....</b>		<b>58</b>
Section 600.0	General Requirements for Parking and Loading/Unloading Spaces in all Zoning Districts..	57
Section 601.0	Number of Parking Spaces Required.....	59
Section 602.0	Size of Parking Spaces.....	61
Section 603.0	Number of Loading/Unloading Spaces Required.....	61
Section 604.0	Size of Loading/Unloading Spaces.....	61
Section 605.0	Determination of the Number of Parking and Loading/Unloading Spaces Required.....	61
Section 606.0	Driveways.....	62
Section 607.0	Handicapped Parking.....	62
Section 608.0	Parking or Storage of Vehicles and Equipment.....	63
<b>ARTICLE VII: SIGNS.....</b>		<b>65</b>
Section 700.0	Sign Definitions.....	64
Section 701.0	General Requirements for all Signs.....	64
Section 702.0	Prohibited Signs in all Districts.....	65
Section 703.0	Governmental Signs Exempted.....	65
Section 704.0	Signs Permitted in all Districts not Requiring a Zoning Certificate.....	65
Section 705.0	Signs Permitted in a Residential Zoning District.....	66
Section 706.0	Signs Permitted in the Commercial and Industrial Zoning Districts.....	66
Section 707.0	Measurement of Sign Area.....	67
Section 708.0	Measurement of Sign Height.....	67
Section 709.0	Maximum Height Requirements.....	67
Section 710.0	Minimum Yard Requirements.....	68
Section 711.0	Removal of Damaged Nonconforming Signs.....	68

Section 712.0	Removal of Signs.....	68
Section 713.0	Billboards.....	68
<b>ARTICLE IX: NONCONFORMING BUILDINGS, STRUCTURES AND USES.....</b>		<b>72</b>
Section 900.0	Nonconforming Use of Buildings and Land Not Affected by Zoning.....	71
Section 901.0	Reasonable Terms.....	71
Section 902.0	Completion.....	71
Section 903.0	Restoration.....	71
Section 904.0	Repair and Replacement.....	71
Section 905.0	Reconstruction.....	72
Section 906.0	Extension.....	72
Section 907.0	Substitution.....	72
Section 908.0	Nonconforming Lot of Record.....	72
<b>ARTICLE X: ADMINISTRATION.....</b>		<b>75</b>
Section 1000.0	Township Zoning Inspector.....	74
Section 1000.1	Position of Township Zoning Inspector Established.....	74
Section 1000.2	Zoning Inspector's Bond.....	74
Section 1000.3	Duties of Township Zoning Inspector.....	74
Section 1001.0	Township Zoning Commission.....	75
Section 1001.1	Township Zoning Commission Created.....	75
Section 1001.2	Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission.....	76
Section 1002.0	Township Board of Zoning Appeals.....	76
Section 1002.1	Township Board of Zoning Appeals Created.....	76
Section 1002.2	Powers of Township Board of Zoning Appeals.....	77
Section 1002.3	Rules, Organization, and Meetings of Board of Zoning Appeals.....	77
Section 1002.4	Procedures of Board of Zoning Appeals.....	78
Section 1002.5	Supplementary Conditions on Variances.....	81
<b>ARTICLE XI: ENFORCEMENT.....</b>		<b>83</b>
Section 1100.0	Zoning Certificate Required.....	82
Section 1100.1	Contents of Application for a Zoning Certificate.....	82
Section 1100.2	Action by Township Zoning Inspector on Application for Zoning Certificate.....	83
Section 1100.3	Submission to Director of Ohio Department of Transportation.....	83
Section 1100.4	Revocation or Reissuance of Zoning Certificate.....	83
Section 1101.0	Complaints Regarding Violations.....	84
Section 1102.0	Prohibition against Violating Zoning Resolution.....	84
Section 1103.0	Action to Prevent Violations of Zoning Regulations.....	84
<b>ARTICLE XII: AMENDMENTS.....</b>		<b>86</b>
Section 1200.0	Procedure for Amendments to Zoning Resolution.....	85
Section 1201.0	Contents of Application for-a Zoning Amendment.....	85
Section 1202.0	Submission to Director of Ohio Department of Transportation.....	85
<b>ARTICLE XIII: WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES.....</b>		<b>87</b>
Section 1300.0	Purpose.....	86
Section 1301.0	Permitted Uses.....	86
Section 1302.0	Regulations for Wireless Telecommunications Towers.....	87
Section 1303.0	Prohibited Areas.....	91
Section 1304.0	Fees.....	91
Section 1305.0	Public Utility Exemption.....	91
Section 1306.0	Site Plan.....	93
<b>ARTICLE XIV: ADULT ORIENTED BUSINESSES.....</b>		<b>96</b>
Section 1400.0	Definitions.....	95
Section 1401.0	Conditions for Adult Oriented Businesses.....	98
Section 1402.0	Adult Oriented Businesses: Nonconforming Buildings, Structures, and Uses.....	99

# ARTICLE 1: GENERAL PROVISIONS

## Section 100.0 Title

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

## Section 101.0 Jurisdiction

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

## Section 102.0 Purpose of Zoning Resolution

Pursuant to O.R.C. Section 519.02, except as otherwise provided in this section, in the interest of the public health and safety, the board of township trustees may regulate by resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township. Except as otherwise provided in O. R.C. Section 519.02, in the interest of the public convenience, comfort, prosperity, or general welfare, the board by resolution, in accordance with a comprehensive plan, may regulate the location of, setback lines for, and the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and may establish reasonable landscaping standards and architectural standards excluding exterior building materials in the unincorporated territory of the township. Except as otherwise provided in O.R.C. Section 519.02, in the interest of the public convenience, comfort, prosperity, or general welfare, the board may regulate by resolution, in accordance with a comprehensive plan, for nonresidential property only, the height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, sizes of yards, courts, and other open spaces, and the density of population in the unincorporated territory of the township. For all of these purposes, the board has divided all of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board has determined. All such regulations shall be uniform for each class or kind of building or other structure or use throughout the district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

Additional purposes of this resolution are:

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

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

**Section 103.0 Provisions of Resolution Declared to be Minimum Requirements.**

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

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

- A. This resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure.
- B. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. As used in this resolution, “public utility” does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734 of the Ohio Revised Code or a construction and demolition debris facility that has been

issued a permit under Chapter 3714 of the Ohio Revised Code. 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. This resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted by this resolution.
- D. This resolution does not prohibit in a district zoned for agricultural, industrial, or commercial use, the use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- E. This resolution does not apply with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any building, or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public road or highway in this state, and with respect to the use of land by any public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 14901., 4903., 4909., 4921., and 4923., the Ohio Revised Code.
- F. This resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for that purpose, having wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation of at an aggregate capacity of five (5) megawatts or more.
- G. Pursuant to O.R.C. Section 5502.031, this resolution does not preclude amateur radio service communications and does not restrict the height or location of amateur station antenna structures in such a way as to prevent effective amateur radio service communications and shall comply with 47 C.F.R. 97.15.
- H. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biodiesel production, biomass Energy production, or electric or heat energy production if the land on which the Production facility is located qualifies as land devoted exclusively to agricultural use Under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax Purposes. As used herein, “biodiesel,” “biomass energy,” and “electric or heat energy” Have the same meanings as in Section 5713.30 of the Ohio Revised Code.

This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under

Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million six hundred thousand seven hundred ten (17,060,710) British thermal units, five (5) megawatts, or both. As used in this section, “biologically derived methane gas” has the same meaning as in Section 5713.30 of the Ohio Revised Code.

- J. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for agritourism. As used herein, “agritourism” has the same meaning as in Section 901.80 of the Ohio Revised Code.

### **Section 105.0 Schedules 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 106.0 First Day Excluded and Last Day Included in Computing Time; Exceptions; Legal Holiday Defined**

The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Saturday, Sunday or a legal holiday, then the act may be done on the next succeeding day which is not Saturday Sunday or a legal holiday as defined in R.C. Section 1.14.

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 Saturday, Sunday or legal holiday as defined in Section R.C. 1.14

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

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

### **Section 107.0 Computation of Time**

If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is



begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

### **Section 108.0 Specific Provision Prevails over General: Exception**

If a general provision conflicts with a specific provision, they shall be construed, if possible, so that 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 latter adoption and the manifest intent is that the general provision prevails.

### **Section 109.0 Irreconcilable Amendments**

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

### **Section 110.0 Continuation of Prior Amendment**

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

### **Section 111.0 Effect of Amendment**

The amendment of this resolution does not:

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

### **Section 112.0 Annexed Territories**

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

### **Section 113.0 Severability**

If any provisions or regulations of this resolution, or an amendment, thereof, or the application, thereof, to any person, or circumstance is held invalid, the invalidity does  
Not affect other provisions, regulations, applications, or amendment; and to this end the provisions, regulations, and amendments are severable.

## ARTICLE II: DEFINITIONS

### Section 200.0 Interpretation of Terms or Words

For the 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.**
- G. For words and terms undefined herein, the latest edition of "Webster's New World Dictionary" may be consulted.

### Section 201.0 Words and Terms Defined

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

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

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

**“Agritourism”** as defined in O.R.C. Section 901.80(A)(2) means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

**“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.

**“Amateur radio service”** means the amateur service, the amateur satellite service, and the amateur civil emergency service as provided under 47 C.F.R. parts 97.

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

**“Applicant”** means the person or authorized legal entity filing an application under this resolution.

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

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

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

**“Bed and Breakfast Inn”** means a portion of a dwelling where short-term lodging and breakfast accommodations are provided for compensation.

**“Breezeway”**: A roofed, open-sided or enclosed passageway connecting the principal building or structure with an accessory building or structure on a lot.

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

**“Building or structure height”** means the vertical distance measured from the finished grade level at the exterior foundation of the building or exterior base of the structure to the highest point of the building or structure. If the finished grade level varies, height shall be determined by measuring the vertical distance from the finished grade level at an exterior foundation corner at the front of the building or at the exterior base at the front of the structure to its highest point.

**“Building line”** see setback line.

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

**“Cemetery”** means land used for the interment of human remains including any one or a combination of more than one of the following: a burial ground containing plots designated for earth interments or inurnments, a

mausoleum for crypt entombments, or a columbarium for the deposit of cremated remains.

**“Child day-care center”** means any place in which child care or publicly funded child care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time and as defined in O.R.C. Section 5104.01(L). In counting children for the purposes of this definition, any children under six (6) years of age who are related to the licensee, administrator, or employee and who are on the premises of the center shall be counted.

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

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

**“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.

**“Conditional use”** means a use within a zoning district other than a permitted use requiring approval by the township board of zoning appeals, subject to the conditions set forth in this resolution, and the issuance of a conditional zoning certificate.

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

**“County”** means Geauga County, Ohio

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

**“Deck”** means a structure consisting of wood, concrete, vinyl, or other composite materials 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.

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

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

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

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

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

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

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

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

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

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

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

**"Farm Market"** means a building from which at least 50% or more of the gross income received is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

**"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 final grade of the ground immediately 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.

**"Freestanding solar panel"** means a solar panel or an array of solar panels, not attached to a building, mounted to a structure attached to the ground.

**"Freezer Lockers"** means a storage unit for the use of storing frozen food and ice and shall not be used to store non-food items. A freezer locker shall be used to store personal food only.

**"Freezer Locker Building"** means a permanent accessory building for the use of individual freezers, freezer lockers, and/or sale and storage of ice.

**"Frontage"** see lot line, front.

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

**"Gazebo"** means a typically octagonal structure open on the sides with a roof.

**"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.

**"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 accessory building on a lot within a residential zoning district.

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

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

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

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

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

**"Industrialized unit"** means a structure as defined in O.R.C. Section 3781.06(C)(3) for which a letter or certification and insignia have been issued by the Ohio Board of Building Standards pursuant to O.A.C. Section 4101; 2-1-62(A).

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

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

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

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

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

**"Landscaping"** means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover; and, may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, and works of art, reflective pools, and fountains. Landscaping may also include other supportive elements such as irrigation systems, ponds, watercourses, mulch, topsoil, pavers, and decorative rock; and, the preservation, protection, or replacement of existing wetlands, trees, shrubs, and similar living plant material.

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

**"Licensed residential facility"** means a facility as defined in O.R.C. Sections 5119.34(B) (1) (b) and 5123.19(a) (5) (a).

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

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

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

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

**"Lot, 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.

**"Lot, width"** means the shortest distance that occurs between the side lot lines measured continuously anywhere between the front lot line and the front setback line.

**"Lot line, front (frontage)"** means the boundary of a lot which abuts a public or private road right-of-way. In the case of a corner lot or multiple frontage lot the front lot line shall be designated by the lot owner provided it is in conformity with the minimum lot frontage requirement for the zoning district in which it is located.

**"Lot, measurements"** a lot shall be measured as follows:

- **"Lot 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.

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

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

**"Lot, multiple frontages"** 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, rear"** means the boundary of a lot which is opposite to the front lot line and is parallel or within forty-five degrees of being parallel to the front lot line.

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

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

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

**"Manufactured home park"** means any lot upon which three (3) or more manufactured or mobile homes used for habitation are located, as defined in O.R.C. Section 4781.01(D).

**"Massage Therapy"** means the treatment of disorders, by a licensed massage therapist, of the human body by the manipulation of soft tissue through the systematic external application of the application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.

**"Medical marijuana"** means marijuana, as defined in O.R.C. Section 3796.01 (A)(1), that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose per O.R.C. Section 3796.01(A)(2).

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

**"Mobile home"** means a building unit or assembly of closed construction as defined in Ohio Revised Code Section 4501.0 (0), and which is designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined in this resolution. A building or nonself-propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

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

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

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

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

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

**"Open space"** means a totally unobstructed area on a lot that does not have any permanent or temporary buildings, structures, driveways, or parking lots; however, such area may include trees and/or vegetation

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

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

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

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

**"Patio"** means a structure with a surface area consisting of concrete, pavers, or stone with or without walls or a roof that is attached, or is immediately adjacent, to a building.

**"Pavilion"** means a structure with no more than two (2) enclosed sides and a roof used for shelter.

**"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 construction of dam or an embankment or by excavating a pit, or dugout and having an area of less than five (5) acres.

“**Porch**” means an area adjoining a building entrance with a roof and no more than three (3) enclosed sides.

“**PPN**” means the permanent parcel number assigned by the county auditor.

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

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

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

“**Public utility**”

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?
4. Are there any applicable statutory or regulatory requirements that the service be accepted?
5. Is there a right of the public to demand and receive the service?

B. Public Concern

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

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

“**Residential Care Facility**” means a home, also known as an assisted living facility, as defined in Ohio Revised Code Section 3721.01(A)(7) that provides either of the following: (a) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical and mental impairment; or (b) Accommodations for three (3) or more unrelated individuals, supervision and personal care services for at

least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one (1) of those individuals, any of the skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code.

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

**"Rear Lot"** also known as a "flag lot" or "back lot" means a lot which is located behind and contiguous with a front lot and shall be connected to a public road by one (1) free simple access strip, which is a part of said rear lot. A rear lot shall conform to the applicable regulations for the R-1 zoning district in which it is located and section 402.16

**"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.

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

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

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

**"Scrap metal processing"** means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remolding 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 building and premises where electric powered vehicles may be recharged; fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail; and food and beverage items sold at retail.

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

**"Sewage system, on-site"** means a septic tank or similar installation on an individual lot which provides the treatment of sewage and disposal of the effluent, subject to the approval of the health and sanitation agencies or departments having jurisdiction.

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

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

“Sign Types and Sign Design” see pages. (check page numbers when complete.)

**“Site”** see **“lot.”**

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

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

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

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

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

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

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

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

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

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

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

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

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

**"Township"** means **Parkman Township, Geauga County, Ohio**

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

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

**"Use"** means an activity permitted within the zoning district in which a lot is located as specified in this resolution.

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

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

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

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

**"Wind system device or wind turbine"** means a device that converts wind energy into a usable form and includes a rotor with blades or airfoil and drive train, and all equipment necessary for machine operation mounted to a building or wind turbine tower.

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

**"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 building, structure or part thereof, except as otherwise provided by this resolution.

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

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

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

**"Yard sale"** means a temporary private sale of personal property that is open to the public conducted on the lot of the person conducting the sale.

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

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

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

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

## ARTICLE II: DEFINITIONS

### Sign Types

**"Billboard"** means an outdoor advertising device which advertises an activity, service or product located on a lot other than a lot at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or individual for the purpose of selling advertising messages for profit. A billboard is an "off-premises" sign.

**"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.

**"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.

**"Development"** means a sign indicating the name of a subdivision or premises. Such sign may also display an address.

**"Directory"** means a sign on which the names and locations of occupants and/or use of the building are given.

**"Governmental"** means a sign located or erected by a political subdivision pursuant to law and serving an official function such as traffic control.

**"Nameplate"** means a sign indicating the name and/or address of the occupant of the premises.

**"Real estate"** means a sign directing attention to the promotion, development, rental, sale, or lease of real property.

**"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.

### Sign Designs

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

**"Ground or monument"** means a freestanding sign supported by one (1) or more uprights, poles, braces, or a permanent foundation which is entirely independent of any building for support and consists of no more than two (2) faces.

**"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.

**"Mobile"** means any portable sign or sign structure not securely or permanently attached to the ground or to a building and typically mounted on a trailer with wheels.



**"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.

**"Pylon or pole"** means a freestanding sign supported by one (1) or more uprights or poles permanently affixed to the ground which is entirely independent of any building for support and consists of no more than (2) faces.

**"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.

**"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.

## **ARTICLE III: ZONING DISTRICTS AND OFFICIAL ZONING MAP**

### **Section 300.0 Zoning Districts**

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

1. Residential - R-1
2. Industrial – I
3. Commercial - C

### **Section 300.1 Description of Zoning Districts:**

The zoning districts listed in Section 300 of this resolution are those as exhibited on the official township zoning map.

### **Section 301.0 Official Township Zoning Map:**

The boundaries of the zoning districts listed in section 300.0 and described in Section 300.0 described in section 300.1 in this resolution are shown on the official township map which is hereby incorporated as a part of this resolution.

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 301.1 Location of Official Zoning Map**

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

A copy of the most current version of the adopted official township zoning map is contained in section 301.3

### **Section 301.2 Amendments to the Official Zoning Map**

No amendments shall be made to the official township zoning map except in conformity with the procedure set forth in Article XII of this resolution.

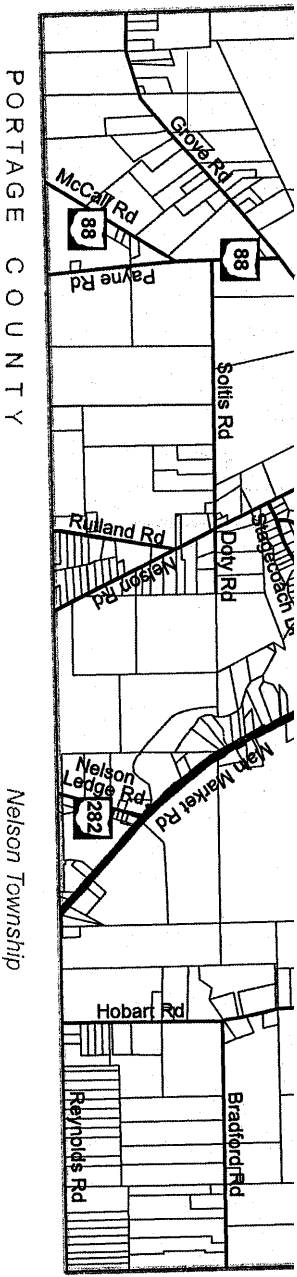
All amendments to the official township zoning map shall be made by adopting a new official township map which shall be identified by the signatures of the township trustees and attested to by the township fiscal officer together with the date of its adoption and its effective date. Said map shall be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

### **Section 301.3 Official Township Zoning Map**

A copy of the most current version of the adopted official township zoning map is shown on the following page.

Township

map will be placed here.



PORTAGE COUNTY

Nelson Township



# Parkman Township Zoning Map

Adopted by the Parkman Township Board of Trustees this 15th

Day of August, 1989.


Effective the 14th day of September, 1989.


David L. Furry, Trustee  
Dana A. Smith, Trustee  
Donald Willes, Trustee  
Nancy Wheelock, Clerk


Prepared by the Gauga County Planning Commission, 1989.  
Revised March, 1998; November, 2003; November, 2011.

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

## Zoning Districts

 R-1: Residential

 C: Commercial

 I: Industrial

Roads and lot lines updated this 20th day of Dec. 2011

*Alvin J. Furry*  
Alvin J. Furry, Trustee

*Patrick Joyce*  
Patrick Joyce, Trustee

*Kevin O'Reilly, Jr.*  
Kevin O'Reilly, Jr., Trustee

*Nancy Wheelock*  
Nancy Wheelock, Fiscal Officer

141

Fmk

VEIMI

0 r ' i ; 1 1 1 1 1 1 1 N 1 4 4 1 1

TRUMBULL COUNTY

*Farmington Township*

## ARTICLE IV: DISTRICT REGULATIONS

### Section 400.0 General

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

### Section 401.0 Prohibited Uses in All Zoning Districts

- A. Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefore, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article XII or a variance has been granted in accordance with Article X.
- B. Lighting fixtures and devices from which direct glare is visible or on adjoining roads or lots shall be prohibited. Flashing lights shall be prohibited.
- C. Mobile homes shall be prohibited.
- D. The storage of junk vehicles, including unlicensed collector's vehicles, as defined in O.R.C. 4501.01(F) outside of a fully enclosed building shall be prohibited.
- E. Junk yards and the storage of junk or burial of junk shall be prohibited.
- F. Automotive wrecking and recycling shall be prohibited.
- G. Manufactured home parks shall be prohibited.
- H. The storage, incineration or burial of hazardous waste as defined in O.A.C. 3745-51-03 and O.R.C. 3734.01(J) shall be prohibited unless it is a part of a hazardous waste facility pursuant to O.R.C. 3734.05(E).
- I. Landfills for the burial of solid waste, open dumping, solid waste facilities, solid waste transfer facilities, construction and demolition debris facilities, and scrap tire collection facilities as defined in O.R.C. Chapter 3734 shall be prohibited.
- J. 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.

- K. Breezeways shall be prohibited when used to connect two buildings or structures, utilized as dwellings or dwelling units on a lot.
- L. Medical Marijuana cultivator, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21
- M. The storage, incineration, or burial of infectious waste as defined in O.A.C. 3745-27-01(I) (6) and O.R.C. 3734.01(R) shall be prohibited.
- N. Any wholesale or retail sales of goods, products, merchandise or services from vehicles or within a public road right-of-way shall be prohibited.
- O. The use of vehicles, parts of vehicles, or anything manufactured for the purpose of transporting persons or property including semi-trailers, mobile homes, mobile tool sheds, shipping containers, and railroad cars as a storage building, unit or structure shall be prohibited.

**Section 402.0 R-1 Residential District**

The purpose of the R-1 Residential District is to reasonably regulate and allow low density single family residential use thereby protecting the ground water supply and recognizing the capability of the soils and other natural resources to support such development.

**Section 402.1 Permitted Principal Buildings, Structures, and Uses**

- A. Licensed residential facilities subject to the regulations set forth in section 402.12
- B. Cemeteries
- C. Churches
- D. Public parks owned or leased by a political subdivision of the state of Ohio
- E. Public and Private Schools
- F. Single family detached dwellings, including industrialized units and manufactured homes, other than mobile homes, subject to the regulations set forth in section 402.11. There shall be no more than one (1) single family detached dwelling on a lot.

**Section 402.2**

Permitted Accessory Buildings, Structures, and Uses: (which shall be located on the same lot with and incidental, or subordinate to the principal permitted buildings, structures, or uses).

- A. Farm markets, provided that fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. No zoning certificate shall be required.
- B. No zoning certificate shall be required for any roof mounted mast radio or television antenna. An antenna for amateur radio service communications shall be permitted. See Section 402.7(B). An antenna for amateur radio service communications shall not be located in any front yard or in front of any principal building on a lot. Radio, television or dish antennas in

accordance with Section 402.7. No zoning certificate shall be required for a satellite dish antenna that is 39.37 inches (one meter) or less in diameter in any residential zone or 78.74 inches (2 meters) or less in diameter in any commercial or industrial zone.

- C. Accessory buildings designed and used for, but not limited to, the storage of tools, equipment, supplies, motor vehicles, freezer lockers, and other personal property owned by the occupants of the principal building or structure not to exceed 1,000 square feet per building on lots of record under 2.5 acres, 1,500 square feet per building on 2.5 to 5 acre lots, 2,000 square feet per building for more than 5 acres and up to 10 acre lots, and 2,500 square feet per building on greater than 10 acre lots. A maximum of two (2) accessory buildings per lot are permitted.

All accessory buildings must meet the setback and sideline requirements as outlined in Section 402.6 and must meet the setback and sideline requirements as outlined in Section 402.6 and, must be a minimum of 20' from any other building. Provided, however, a utility building with a floor area of 200 square feet or less may be permitted on a lot subject to regulations set forth in Section 402.10(N).

- D. Swimming Pools in accordance with the following regulations:

1. A swimming pool shall not be located closer than 20 feet to any lot line.
2. All pools of the below-ground level type shall be completely enclosed by a fence or wall at least five (5) feet in height and not less than six (6) feet from the perimeter of the pool, and shall be equipped with self-closing and self-latching devices placed at the top of the gates and made inaccessible to small children.
3. Pools of the above ground type need not be enclosed by a fence as long as they meet the following criteria:
  - a. The above ground pool must be at least five (5) feet high measured from the ground to the top of the pool, or have fencing or decking added to the top of the pool to attain this height around the total circumference of the pool.
  - b. There must be a folding gate, steps or platform which makes the pool inaccessible to small children and shall be secured or locked, or removed when the pool is not in use.
4. The use of a pool prior to the installation of the protective fencing and equipment required herein is **HEREBY PROHIBITED**. Use includes the act of filling the pool with water for any reason.

- E. Porches, decks, patios, ramps, and steps with or without a roof.

#### F. Home Occupations

- A. Class 1 home occupations shall be limited to the following:

1. Attorney services
2. Accountant and bookkeeper
3. Architectural service
4. Bakery
5. Barber shop, beauty shop, Nail salon, and tanning
6. Computer programmer and software engineer
7. Consulting services
8. Data processing

9. Drafting and graphic services
10. Dressmaking, sewing, contract sewing, and seamstresses
11. Electronic assembly
12. Engineering service
13. Gunsmith
14. House cleaning service
15. House painter
16. Insurance sales
17. Interior design
18. Internet sales
19. Jewelry making and jeweler
20. Laundry and ironing
21. Locksmith
22. Massage therapist holding a valid license issued by the state of Ohio
23. Music instruction
24. Pet grooming
25. Photographer
26. Real estate sales
27. Sales representative (office only)
28. Taxidermist
29. Tutoring
30. Type B family day-care home or Type B home
31. Wallpapering

#### B. Regulations for home occupations

1. A home occupation may be established only within a dwelling unit or no more than one (1) accessory building on a lot. Only one (1) home occupation may be established on a lot.
2. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25 percent of the total usable floor area of a dwelling unit, not to exceed 500 square feet, or an accessory building not to exceed 1,000 square feet on a lot under 2.5 acres, 1,500 square feet on a lot 2.5 to 5 acres, 2,000 square feet on a lot more than 5 acres and up to 10 acres, and 2,500 square feet on a lot greater than 10 acres shall be used in the conduct of a home occupation. Usable floor area of a dwelling unit shall be determined by measuring its interior dimensions, in accordance with Section 402.9; and, for an accessory building it shall be determined by measuring the footprint of the building. The square footage requirement shall include the area used for storage of all material, such as raw material and finished product, equipment, work area and all other area used by the home occupation.
3. An accessory building containing a home occupation shall be detached from the dwelling on the same lot, shall be located entirely to the rear of the dwelling, and



shall be setback a minimum of one hundred (100) feet from the front lot line and a minimum of fifty (50) feet from the side and rear lot lines.

4. There shall be no change in exterior appearance of a dwelling unit or an accessory building or other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with Article VII.
5. Exterior display of materials, products or merchandise produced on the premises for sale only shall be setback a minimum of one hundred (100) feet from the front lot line and a minimum of fifty (50) feet from the side and rear lot lines. The maximum area devoted to such display shall be five hundred (500) square feet. The display area shall not be lighted.
6. Exterior storage of materials, products, and merchandise shall be prohibited. The storage and parking of vehicles and equipment relating to the home occupation shall be either within a fully enclosed building or shall be located on the lot in accordance with the minimum setback requirements specified in paragraph number 3 herein. No vehicles and equipment shall be stored or parked in the front yard or in front of the principal dwelling on a lot.
7. Off-street parking space shall be provided in accordance with Article VI. There shall be no off-street parking spaces located within any front yard or in front of any principal dwelling on a lot.
8. The daily operation of a home occupation shall be no earlier than 6:00 AM or later than 7:00 PM.
9. The dwelling unit or accessory building in which a home occupation is conducted shall conform with all of the applicable regulations for the zoning district in which it is located.
10. No more than two (2) persons, other than the occupants of the premises, may be employed or engaged in a home occupation.
11. A home occupation may not be established on a lot without an occupied residence. A home occupation shall be owned or operated by the owner of the property.
12. Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage treatment facilities of a home occupation, if

required by an appropriate governmental agency.

13. A home occupation shall meet all applicable federal, state, and county environmental standards.

C. Breezeways. See Section 401.0(K).

D. Gazebos and pavilions.

E. Outdoor wood-fired boilers (OWB). An OWB shall not be located in the front yard or in front of a principal building.

F. Freestanding solar panels and solar panel arrays. Freestanding solar panels and solar panel arrays shall not be located in the front yard or in the front of a principal building. No zoning certificate shall be required for roof mounted solar panels.

G. One (1) accessory dwelling unit may be permitted on a lot subject to the following regulations:

1. It shall be attached to the principal single family dwelling unit by a common wall with at least one point of internal ingress/egress between the dwelling units. The common wall area for the accessory dwelling unit shall be a minimum of fifty percent (50%) of the principal dwelling unit wall to which it is attached. Attachment of an accessory dwelling unit to a principal dwelling unit by an enclosed or unenclosed breezeway, hallway, porch, deck, patio or walkway is not permitted.
2. The maximum floor area shall be nine hundred (900) square feet and it shall be one story only.
3. An attached garage, if separate from an attached garage serving the principal dwelling unit, shall not be permitted.
4. The principal single family dwelling unit shall be occupied by the owner of the lot and all occupants of the accessory dwelling unit shall be members of the owner's family. For purposes of this regulation, "family" mean one (1) or more persons related by, blood, adoption, guardianship or marriage.
5. It shall be in conformity with all of the other regulations for the affected zoning district that apply to a principal single family dwelling unit.

### **Section 402.3 Conditional Buildings, Structures and Uses**

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

A. Child Day Care Center

1. Shall conform with Chapter 5104 of the Ohio R.C. which is hereby incorporated by reference.
2. Conditions for child day care center (more than 6 children):

- a. The use of a dwelling unit for a child day care center shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Accessory buildings not to exceed 1000 square feet.
- b. Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities for a child day care center.
- c. The dwelling unit in which a child day care center is conducted shall conform with all the regulations for the zoning district in which it is located.
- d. Must obtain any and all State and other permits and/or pass all required inspections prior to issuance of a conditional use certificate.

## B. Bed and Breakfast Inn

### 1. Conditions for a bed and breakfast inn.

- a. A bed and breakfast inn may be established only within an owner-occupied dwelling. There shall be no more than one bed and breakfast inn on a lot.
- b. The use of a dwelling for a bed and breakfast inn shall be clearly incidental and subordinate to its use for residential purposes by its owner-occupant(s). Not more than 35% of the total floor area of the dwelling or a maximum of 1000 square feet of floor area shall be used for a bed and breakfast inn. A bed and breakfast inn shall contain a maximum of 3 guest rooms
- c. There shall be no change to the exterior appearance of a dwelling or other visible evidence of the conduct of a bed and breakfast inn therein with the exception of one sign, erected in accordance with Article VII.
- d. One off-street parking space shall be provided for each guest room in accordance with Article VI.
- e. Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities for a bed and breakfast inn.
- f. The dwelling in which a bed and breakfast inn is conducted shall conform with all the regulations for the zoning district in which it is located.
- g. The applicant must conform with all applicable federal, state, county, and local regulations.

## C. Class II Home Occupations

- a. Class II home occupations shall be limited to the following:

1. Antique business
2. Art restoration and art studio
3. Auctioneer service
4. Blacksmith
5. Book store
6. Cabinet maker and woodworking
7. Catalog service
8. Contracting and builder trades
9. Direct sales distribution
10. Gas lantern sales, service, and repair
11. Harness and buggy shop
12. Heating and cooling service
13. Home crafts, including ceramics with a kiln up to six (6) cubic feet
14. Landscaping service
15. Mail order service
16. Metal fabrication

17. Party or event center
18. Plumber
19. Salvage or surplus store
20. Sale of ice and/or freezer locker rental
21. Sale of firewood
22. Sandblasting
23. Security system service
24. Shoe repair shop
25. Small appliance repair shop
26. Small engine repair shop
27. Stone engraving and fabricating
28. Swimming pool service
29. Tinsmith shop
30. Tool sharpening
31. Upholstery shop
32. Variety shop

- b. The conditions for Class II Home Occupations shall be in accordance with the regulations set forth in Article IV, Section 402.2(F) (b).

**Section 402.4 Minimum Lot Area**

The minimum lot area shall be 2.5 acres, exclusive of the area in the road right-of-way.

**Section 402.5 Minimum Lot Frontage and Width**

The minimum lot frontage and width shall be two hundred (200) feet except as follows:

- A. Lots on the arc of a permanent cul-de-sac road turnaround:

1. The minimum lot frontage at the front lot line shall be sixty (60) feet.

**Section 402.6 Minimum Yards**

- A. The minimum yards for all buildings, structures, and uses, except accessory buildings, structures, and uses shall be as follows:

1. Front yard: 75 feet from the road right-of-way
2. Each side yard: 25 feet
3. Rear yard: 25 feet

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

1. Front yard: 75 feet from the road right-of-way

2. Each side yard: 25 feet

3. Rear yard: 25 feet

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

1. Same as minimum front yard.

#### **402.7 Maximum Height**

A. The maximum height of all buildings, structures, and uses except those listed in paragraph B herein, and as may otherwise be provided in this resolution, shall be 35 feet or 2.5 stories, whichever is less.

B. Special maximum heights

1. Belfries, church spires, clock towers, cupolas, chimneys and flagpoles: no maximum height requirement.
2. Wireless telecommunications towers and appurtenant facilities shall be in accordance with article X111.
3. Exceptions to this regulation shall be ham radio operator towers or amateur radio service antennas as long as the tower or antenna also complies with the requirement that the height of the tower or antenna from the base to the top shall not exceed the distance from the base of the tower or antenna to the nearest property line, plus twenty (20) feet.
4. Fences and walls shall not exceed (8) feet in height in any front yard and eight (8) feet in height in any side or rear yard, except as otherwise provided herein.

#### **Section 402.8 Maximum Lot Coverage**

The maximum lot coverage shall be 40 percent.

#### **Section 402.9 Minimum Floor Area**

- A. The minimum floor area for a single floor dwelling shall be 1,000 square feet.
- B. The minimum main floor area for a one and one half (1 1/2) story dwelling shall be 1,000 square feet.
- C. In calculating minimum floor area, the following area shall not be included: basements crawl spaces, attics, attached garages; enclosed or unenclosed porches, patios, decks, and breezeways.

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

The following buildings, structures, and uses shall be permitted in the minimum yards set forth in this resolution without a zoning certificate, unless otherwise indicated. (which shall be located on the same lot with and incidental and subordinate to the principal permitted buildings, structures, or uses?)

A. Awnings or canopies over windows and doors provided no signage is located thereon unless a zoning certificate is obtained.

B. Chimneys

C. Clotheslines and support poles

D. Driveways, in accordance with Article VI, Section 606.0

E. Fences and walls, zoning certificate required

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 unsafe or be in danger of falling.

4. Electrically charged or barb wire fences are not permitted, unless for agricultural use.

5. Along lot lines, the unfinished side (if any) of a fence, including the structural supports and posts, shall face the lot upon which the fence is constructed.

F. Flagpoles

G. Mailboxes and newspaper tubes and leach beds.

H. Ornamental and security lighting fixtures

I. Ponds

1. Regulations for construction of ponds:

a. Location: Ponds shall be a minimum of 100 feet from septic system lines line and a minimum of 20 feet from all other lot lines.

b. Fire protection ponds shall be in accordance with Section 402.14. A dry hydrant provided by the township shall be installed and connected to every pond for use by firefighting apparatus, subject to fire chief's approval and requirement. The fire chief may waive this requirement if he/she deems the pond is not suitable for fire protection.

c. Written evidence shall be provided that the Geauga Soil and Conservation District has been consulted regarding typical construction specifications for a pond.

J. On-site sanitary sewage treatment and water well systems.

K. Signs in accordance with Article VII, zoning certificate required

L. Student bus shelters

- M. Swing sets and related recreational equipment
- N. Utility buildings used for a workshop; a hobby; or storage of tools, equipment, supplies and other personal property owned by the occupants of the principal building or structure on a lot in accordance with the following regulations:
  - 1. The maximum floor area of a utility building shall be 200 square feet.
  - 2. A utility building shall be fully enclosed by walls, a floor, and a roof with a door for ingress/egress.
  - 3. The maximum utility building height shall be 15 feet.
  - 4. The minimum yards for a utility building shall be:
    - a. Front yard: 75 feet measured from the edge of the road right-of way.
    - b. Front yard for rear lot: 75 feet measured from the rear lot line of the immediately contiguous front lot.
    - c. Each side yard: 10 feet.
    - d. Rear yard: 10 feet.
  - 5. A utility building shall not be located in front of the principal building or structure on a lot.
  - 6. A maximum of one utility building is permitted on a lot 5 acres or less in area.
  - 7. A maximum of two utility buildings are permitted on a lot over 5 acres in area.
  - 8. A utility building shall not be attached to a permanent foundation.
  - 9. A utility building shall not contain interior plumbing fixtures.
  - 10. A utility building may have electrical service.
  - 11. A utility building shall be detached from the principal building or structure on a lot.
  - 12. If two utility buildings are located on a lot over 5 acres in area, such buildings shall be detached.
- O. Storm water retention and detention basins.
- P. Air conditioning units, heat pumps, fuel tanks, and emergency generators.
- Q. Walkways and trails.
- R. Landscaping features and screening, including earthen mounds and retaining walls.
- S. Exterior lighting in accordance with Section 402.13.
- T. Off-street parking and loading/unloading spaces in accordance with Article VI. Zoning certificate required.

**Section 402.11 Manufactured Homes**

Manufactured homes shall conform with all of the following regulations.

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

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

B. In addition to the above requirements, the owner shall:

1. Surrender the title to the manufactured home to the county auditor upon its placement on a permanent foundation and such surrender shall be notice to the county auditor to tax the manufactured home as real property.

**Section 402.12 Licensed Residential Facilities O.R.C. 5119.34B) (1) (b) and 5123.19**

A. Requirements for a permitted licensed residential facility as defined in O.R.C. 5119.34(B)(1)(b) and 5123.19(A)(5)(a) and which is operated pursuant to O.R.C. Section 5119.341(A) and 5123.19(M) respectively shall include the following:

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

**Section 402.13 Exterior Lighting**

Exterior lighting shall be in accordance with Section 403.12.

**Section 402.14 Fire Protection Ponds**

A platted subdivision containing 10 or more total sublots, or a building or group of buildings on a lot containing more than 15,000 square feet of gross floor area, shall include a pond for fire protection constructed by the owner in



accordance with the standards and specifications of the Parkman Township Fire Department. The pond shall include the installation of a dry hydrant. A dry hydrant provided by Parkman Township shall be installed and connected to every pond for use by firefighting apparatus subject to the fire chief's approval. The dry hydrant shall be installed in accordance with the standards and specifications of the Parkman Township Fire Department and shall be so located as to permit access by firefighting and emergency vehicles. No zoning certificate shall be required for the installation of a fire protection pond or dry hydrant, however, the township zoning inspector shall not approve and sign a final plat for a subdivision until the standards and specifications of the Parkman Township Fire Department have been met for the design and installation of the fire protection pond, the dry hydrant, and access thereto. If the subdivision or development is phased, the fire protection pond and dry hydrant shall be constructed in the initial phase.

A. Regulations for construction of ponds:

1. Location: Ponds shall be a minimum of 100 feet from septic system lines and leach beds. Ponds shall be a minimum of 30 feet from the front-lot-line and a minimum of 20 feet from all other lot lines.
2. Fire protection: A dry hydrant provided by the township shall be installed and connected to every pond for use by firefighting apparatus subject to fire chief's approval.
3. Written evidence shall be provided that the Geauga Soil and Conservation District has been consulted regarding typical construction specifications for a pond.
4. Ponds shall contain a minimum of 125,000 gallons of usable water.

#### **Section 402.15 Sewage Treatment Facilities**

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

#### **Section 402.16 Rear Lots**

Rear lots shall be in accordance with all of the applicable regulations for the R-1 Residential District and the following regulations:

- A. The minimum lot area shall be two and a half (2.5) acres, exclusive of the area in the road right-of-way and the access strip as provided herein.
- B. There shall be no more than one (1) rear lot behind and contiguous with a front lot and said front lot shall have the minimum lot width and area as required by this resolution or shall be a lawful lot of record.
- C. An access strip, the portion of the rear lot that connects it to a public road, shall:
  1. Be in fee simple ownership only. No easements of access or common driveways shall be permitted.
  2. Be a part of and remain in the same ownership as the rear lot.
  3. Have minimum sixty (60) feet of frontage on a public road at the front lot line and shall be a minimum sixty (60) feet in width along its entire length.
  4. Comply with the driveway regulations as noted in Article VI.
  5. Not be included in calculating the minimum area of a rear lot.
  6. Not have any buildings, structures or ponds located within it except for the driveway serving the principal

building, structure or use.

7. Not form a part of the building setbacks (yards) required by this resolution.
  8. Not be contiguous with another access strip to a rear lot.
- D. There shall be a minimum front building setback (front yard) of 75 feet measured from the rear lot line of the front lot.
- E. There shall be no more than one (1) principal building, structure, or use, along with any accessory buildings, structures, and uses in accordance with Sections 402.0, allowed on a rear lot.

#### **402.17 Replacement of Single Family Detached Dwelling**

- A. Notwithstanding the provisions of Section 402.1(F), the Zoning Inspector may issue a zoning certificate for a new single family detached dwelling on a lot, that otherwise complies with all of the applicable regulations for the affected zoning district, in order to replace a preexisting dwelling on the same lot provided the preexisting dwelling shall be completely removed from the affected lot within ninety (90) days from the date that an occupancy permit for the new dwelling has been issued by the County Building Department. The owner of the lot shall provide a written and notarized statement to the Zoning Inspector, at the time of the submission of an application for a zoning certificate, that he/she acknowledges and understands that the preexisting dwelling shall be completely removed from the affected lot within the time period specified herein and no time extension granted.
- B. The location of a temporary manufactured or mobile home on a lot with an existing dwelling on it may be permitted if the Zoning Inspector finds that special circumstances or conditions exist such as a fire or similar catastrophic event has occurred that has damaged or destroyed the existing dwelling to the extent that it is uninhabitable. Written evidence shall be provided to the Zoning Inspector that the water supply and wastewater disposal system for the temporary manufactured or mobile home have been approved by the applicable governmental authority. The zoning certificate for a temporary manufactured or mobile home shall be valid for a period of time not to exceed ninety (90) days from the date an occupancy permit has been issued by the County Building Department for the existing dwelling or a maximum of two (2) years from the date of issuance of the zoning certificate by the Zoning Inspector. Said zoning certificate shall not be renewed or a time extension granted. Prior to the expiration of the temporary zoning certificate, the temporary manufactured or mobile home shall be completely removed from the affected lot. The owner of the lot shall provide a written and notarized statement to the Zoning Inspector, at the time of the submission of an application for a zoning certificate, that he/she acknowledges and understands that the temporary manufactured or mobile home shall be completely removed from the affected lot within the time period specified herein and that no renewal or time extension of the zoning certificate shall be granted.

#### **Section 403.0 Commercial District**

The purpose of the C: Commercial District is to reasonably regulate and allow business, office, and retail uses that provide services and consumer products.

## **Section 403.1 Commercial District Permitted Principal Buildings, Structures, and Uses**

- A. All permitted principal buildings, structures, and uses permitted in 402.1 are included in 403.1.
- B. Retail and professional services limited to the following:
  - 1. The sale and manufacture of baked goods, confectionary; the sale of dairy products, fruits, vegetables, groceries, and meats.
  - 2. The sale of dry goods.
  - 3. The sale of men's, women's, children's apparel, furnishings, shoes, hats, furs, accessories; the sale of jewelry, watches, clocks and their repair.
  - 4. The sale of china, floor coverings, hardware, household appliances, paint, wallpaper, furniture, materials and objects for interior decorating or crafts; the sale of radios, television and their repair.
  - 5. The sale of books, magazines, newspapers, tobacco products, drugs, flowers, gifts, music, photographic goods, sporting goods, stationery or auto parts.
  - 6. Eating places: lunchrooms, restaurants, cafeterias; places for the sale and consumption of soft drinks, juices, ice cream and beverages.
  - 7. Service establishments: Barber or beauty shops, custom tailors, laundries and laundry agencies, self-service laundries, shoe repair, dry cleaning and pressing, ice stations, printing shops.
  - 8. Business offices and studios, banks, real estate, insurance; offices of the architectural, clerical, engineering, legal, dental, medical professions; business college or private trade school.
  - 9. Funeral home or mortuary.
  - 10. Florists
  - 11. Theaters and assembly halls - rooms for club and lodge meetings
  - 12. Fitness facilities
- C. Governmental and public buildings, structures, and uses:
  - 1. Administrative offices
  - 2. Road garage and material yards
  - 3. Fire station and emergency services
  - 4. Places of assembly and meeting rooms
  - 5. Libraries

D. Warehouses

**Section 403.2 Permitted Accessory Buildings, Structures, and Uses (which shall be located on the same lot with, and clearly incidental and subordinate to the principal permitted buildings, structures, or uses).**

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

**Section 403.3 Conditional Buildings, Structures, and Uses**

A. Hospitals and veterinary hospitals.

1. Conditions for hospitals and veterinary hospitals

- a. A hospital or a veterinary hospital shall conform with all of the regulations for the zoning district in which it is located.
- b. The lot area shall be not less than five (5) acres and frontage on a public road of not less than five hundred (500) feet. The minimum front yard shall be one hundred and fifty (150) feet, side yard fifty (50) feet and rear yard seventy-five (75) feet.

B. Hotels and motels

1. Conditions for hotels and motels.

- a. Each living unit shall have a minimum floor area of two hundred (200) square feet.
- b. A motel or hotel shall conform with all of the regulations for the zoning district in which it is located.
- c. The number of off-street parking spaces shall be in accordance with Article VI.
- d. Signs shall be in accordance with Article VII.

C. Nursing homes

1. Conditions for nursing homes.

- a. A nursing home shall conform with all the regulations for the zoning district in which it is located
- b. The number of off-street parking spaces shall be in accordance with Article VI.
- c. Signs shall be in accordance with Article VII.

D. Service stations

1. Conditions for service stations.

- a. All fuel storage tanks shall be completely underground.
- b. Pumps shall be a minimum of 20 feet from the road right-of-way margin.

- c. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
- d. All storage of supplies shall be within completely enclosed buildings during non-business hours.
- e. No more than three (3) vehicles may be stored overnight outside of an enclosed building or structure.
- f. The number of off-street parking spaces shall be in accordance with Article VI.
- g. Signs shall be in accordance with Article VII.
- h. A service station shall comply with all of the regulations for the zoning district in which it is located.

2. The following service may be rendered and sales made:

- a. Sales and service of spark plugs, batteries, and distributor parts.
- b. Tire servicing and repair, but not recapping or regrooving.
- c. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like.
- d. Radiator cleaning and flushing.
- e. Washing, polishing, and sale of washing and polishing materials.
- f. Greasing and lubrication.
- g. Providing and repairing fuel pumps, oil pumps, and lines.
- h. Minor servicing and repair of carburetors.
- i. Adjusting and repairing brakes.
- j. Minor motor adjustment not involving removal of the head or crankcase.
- k. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
  - 1. Provision of road maps and other informational material to customers; and the provision of restroom facilities.
  - 2. Warranty maintenance and safety inspections.
  - 3. 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.

E. Vehicle repair garage

1. Conditions for vehicle repair garages.

- a. All repairs or servicing of motor vehicles shall be within completely enclosed buildings.

- b. All storage of supplies shall be within completely enclosed buildings.
- c. No more than 10 vehicles may be stored overnight outside of a completely enclosed building.
- d. The number of off-street parking spaces shall be in
- e. accordance with Article VI.
- f. Signs shall be in accordance with Article VII.
- g. A vehicle repair garage shall comply with all the regulations for the zoning district in which it is located.

#### F. Vehicle sales lots

##### 1. Conditions for vehicle sales lots.

- a. No more than 25 vehicles shall be parked outside of a fully enclosed permanent building.
- b. No vehicle shall be parked for display within 10 feet of the right-of-way.
- c. The number of off-street parking spaces shall be in accordance with Article VI.
- d. Signs shall be in accordance with Article VII.
- e. A vehicle sales lot shall conform with all of the regulations for the zoning district in which it is located.

#### G. Bed and breakfast inn

##### 1. Conditions for a bed and breakfast

- a. A bed and breakfast inn shall be in accordance with Section 402.3 D.
- b. A bed and breakfast inn shall comply with all of the regulations for the zoning district in which it is located.

#### H. Towing Service

##### 1. Conditions for a Towing Service

- a. Vehicles that have been towed can be stored for no more than seven (7) consecutive days on a lot. Maximum number of recovered vehicles stored at any one time shall be five (5).
- b. If the business is terminated for any reason all vehicles and any privacy fencing for vehicle storage shall be completely removed and the lot shall be returned to its original condition within thirty (30) days from the date of such termination.
- c. No vehicle shall be parked within fifteen (15) feet of the public road right-of-way.
- d. Any vehicle towed from an accident or in inoperable condition must be properly stored in a containment area to ensure any run-off of fluids is properly contained and disposed of in accordance with Ohio EPA And other public health and safety regulations enforced by the applicable governmental agency.

- e. Signs shall be in accordance with article VII.
- f. There can be a maximum number of three (3) recovery vehicles stored on a lot at any one time
- g. Recovered or towed vehicles shall be out of public view at all times and must be stored within either a building or an opaque privacy fence that we securely gated. The privacy fence shall be a minimum height of six (6) feet and shall ne setback from all lot lines in accordance with Section 403.6.
- h. A towing service shall comply with all of the regulations for the zoning district in which it is located.
- i. Tools, parts, and any other equipment or supplies in connection with the towing service shall be stored within a building.
- j. An office related to the towing service shall be within a building.

I. Wind turbines

1. Conditions for a wind turbine

- a. There shall be no more than one (1) wind turbine located on a lot.
- b. The maximum height shall be eighty (80) feet.
- c. The minimum setback from all lot lines shall be the height of the wind turbine measured from its base to the highest point of the blade or air foil, plus twenty (20) feet.
- d. A wind turbine shall not be located in front of the principal building on a lot.
- e. A wind turbine shall conform with all of the other regulations for the zoning district in which it is located.

J. Residential Care Facilities (RCF)

1. Conditions for a RCF

- a. A RCF shall conform with all of the regulations for the zoning district in which it is located.
- b. The number of off-street parking spaces shall be in accordance with Article VI.
- c. Signs shall be in accordance with Article VII.

K. All of the conditional buildings, structures, and uses allowed in Section 402.3.

**Section 403.4 Minimum Lot Area**

The minimum lot area shall be 2.5 acres, exclusive of the area in the road right-of-way.

**Section 403.5 Minimum Lot Frontage and Width**

A. The minimum lot frontage and width shall be two hundred (200) feet, except for lots located on the arc of

a permanent cul-de-sac road turnaround.

- B. For any lot located on the arc of a permanent cul-de-sac road turnaround, the minimum lot frontage shall be sixty (60) feet at the front lot line and two hundred (200) feet of width at the front building setback line (front yard).

#### **Section 403.6 Minimum Yards**

- A. The minimum yards for all buildings, structures, and uses except accessory buildings, structures, and uses shall be as follows:
  - 1. Front yard: 75 feet from the road right-of-way
  - 2. Each side yard: 20 feet
  - 3. Rear yard: 20 feet
- B. The minimum yards for all accessory buildings, structures, and uses shall be as follows:
  - 1. Front yard: 75 feet from the road right-of-way
  - 2. Each side yard: 20 feet
  - 3. Rear yard: 20 feet
- C. The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be as follows:
  - 1. Same as minimum front yard.

#### **D. Buffer Zone**

A buffer zone of not less than 30 feet in width shall be required wherever a residential district abuts a commercial district. No structure, building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the commercial district and on the same lot with the principal building, structure or use.

All buffer zones abutting a residential district along the side or rear lot lines shall be appropriately screened by fences, walls, earthen mounds or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences, walls, or earthen mounds shall be a minimum height of six (6) feet upon installation. Evergreens, if used as a screen, shall be a minimum height of four (4) feet and spaced a minimum of eight (8) feet off center upon planting.

#### **Section 403.7 Maximum Height**

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



**Section 403.8 Maximum Lot Coverage**

The maximum lot coverage shall be sixty percent (60%)

**Section 403.9 Minimum Floor Area**

A. The minimum floor area for any building or structure shall be 1000 square feet. Floor area shall be calculated in accordance with Section 402.9.

**Section 403.10 Minimum Distance between Buildings**

The minimum distance between detached buildings on the same lot shall be measured in a straight line from the exterior foundation of a building to the nearest exterior foundation of another building. The minimum distance between a commercial use building and any other building on the same lot shall be 50 feet.

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

Permitted Buildings, Structures, and Uses in Required Yards (which shall be located on the same lot with, and clearly incidental and subordinate to the principal permitted buildings, structures, or uses).

Permitted buildings, structures, and uses in required yards shall be as set forth in Sections 402.10, 403.12, 403.13, 403.14, and 403.15.

**Section 403.12 Exterior Lighting**

Purpose:

1. To provide safe, well-illuminated roadways and parking lots.
  2. To prevent light trespass on adjacent properties.
  3. To promote efficient and cost-effective lights.
  4. To preserve the ability to view the night sky without artificial light interference.
- a. All new or replacement sources of exterior illumination of a building, structure, or lot shall be shielded so as not to cause direct glare and shall be directed away from any perimeter lot lines and towards 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 cut-off type. Such exterior lighting fixtures shall be installed so that they operate at all times as full cut-off fixtures as defined in the resolution.
  - b. Up-lighting for buildings and landscaping is permitted with the exception of from 11:00 PM until 6:00 AM unless fully shielded.
  - c. Governmental flag lighting is exempt from this section.
  - d. Governmental flag lighting is exempt from this section.

e. Sign lighting shall comply with Section 701.0.

**Section 403.13 Fire Protection Ponds**

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

**Section 403.14 Exterior Display or Sales Areas**

Exterior display or sales areas for goods and merchandise shall be a minimum of 30 feet from any front lot line and a minimum of 30 feet from any side or rear lot lines. Exterior sales or display areas for goods and merchandise shall not be located within any off-street parking spaces, loading/unloading spaces or driveways on a lot.

**Section 403.15 Exterior Storage Areas and Trash Receptacles**

Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, structure or use of the lot shall be a minimum of 30 feet from any front lot line and a minimum of 30 feet from any side or rear lot lines, unless otherwise specified in this resolution. All open storage shall be screened from public view. Exterior trash receptacles or dumpsters shall be fully screened and shall not be located in the front of any principal building on a lot or in any front yard. Exterior trash receptacles or dumpsters shall be a minimum of 30 feet from any side or rear lot lines.

**Section 403.16 Sewage Treatment Facilities**

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

**Section 403.17 Minimum Floor Area For Single Family Residential Dwellings**

The minimum floor area for a detached single family dwelling shall be in accordance with Section 402.9.

**Section 404.0I: Industrial District**

The purpose of the I: Industrial District is to reasonably regulate and allow light manufacturing, research, assembly, and service uses.

**Section 404.1 Permitted Principal Buildings, Structures, and Uses**

- A. All permitted principal buildings, structures, and uses as permitted in 402.1 are included in 404.1.
- B. Light manufacturing and assembling limited to the following:
  - 1. Agricultural hardware
  - 2. Canvas products, such as awnings
  - 3. Cement and cinder blocks

4. Ceramic products
5. Non-hazardous and/or nontoxic chemicals, compounding and packaging
6. Clay products
7. Cosmetics and toiletries
8. Electronic research and manufacturing
9. Firearms
10. Food products, except slaughtering or the preparation of fish for packaging
11. Furniture products
12. Glass and optical products from previously manufactured glass
13. Jewelry, clocks and watches
14. Luggage
15. Machine shops, excluding punch presses with a rated capacity of over twenty (20) tons and drop hammers
16. Office and business products
17. Pharmaceutical products
18. Photographic equipment
19. Scientific and other precision instruments
20. Sporting goods
21. Toys and novelties
22. Venetian blinds, window shades and awnings

C. The following services:

1. Boat building and repair of boats less than 100 feet in length
2. Building material sales
3. Building trade contractors' establishments
4. Cabinet and carpenter and craft shops
5. Carpet cleaning establishments
6. Cold storage plants
7. Dry cleaning plants
8. Furniture repair and upholstering shops
9. Household and office equipment repair shops
10. Ice storage and sales
11. Laboratories, research, experimental and testing
12. Laundry, linen and diaper supply establishments
13. Motor vehicle and machinery repair, including body repair and painting
14. Photographic development and printing establishments
15. Printing and publishing
16. Saw mills
17. Sign painting shops
18. Wholesale businesses
19. Lunchrooms
20. Warehouses

D. The assembly and processing of the following:

1. Automobile seat covers or convertible tops
2. Packing and crating establishments
3. Paper products
4. Wood and metal products
5. Plastic products
6. Rubber products

**Section 404.2 Permitted Accessory Buildings, Structures, and Uses**  
(which shall be located on the same lot with, and clearly incidental and subordinate to the principal permitted buildings, structures, or uses).

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

**Section 404.3 Conditional Buildings, Structures, and Uses**

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

- A. All of the conditional buildings, structures, and uses allowed in Section 403.3.
- B. Adult oriented businesses as allowed under Article XIV.

**Section 404.4 Minimum Lot Area**

The minimum lot area shall be 2.5 acres, exclusive of the area in the road right-of-way.

**404.5 Minimum Lot Frontage and Width**

- A. The minimum lot frontage and width shall be three hundred (300) feet, except for lots located on the arc of a permanent cul-de-sac road turnaround.
- B. For any lot located on the arc of a permanent cul-de-sac road turnaround, the minimum lot frontage shall be one hundred (100) feet at the front lot line and three hundred (300) feet of width at the front building setback line (front yard).

**Section 404.6 Minimum Yards**

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

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

1. Same as minimum front yard.

D. Buffer Zone

A buffer zone of not less than 100 feet in width shall be required wherever a residential district abuts an industrial district. No structure, building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the industrial district and on the same lot with the principal building, structure or use.

All buffer zones abutting a residential district along the side or rear lot lines shall be appropriately screened by fences, walls, earthen mounds or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences, walls, or earthen mounds shall be a minimum height of six (6) feet upon installation. Evergreens, if used as a screen, shall be spaced a minimum height of four (4) feet and spaced a minimum of eight (8) feet off center upon planting.

#### **Section 404.7 Maximum Height**

The maximum height shall be set forth in Section 402.7.

#### **Section 404.8 Maximum Lot Coverage**

The maximum lot coverage shall be 60 percent.

#### **Section 404.9 Permitted Buildings, Structures, and Uses in Required Yards (which shall be located on the same lot with, and clearly incidental and subordinate to the principal permitted buildings, structures, or uses).**

Permitted buildings, structures, and uses in required yards shall be as set forth in sections 402.10, 404.11, 404.12, 404.13, and 404.14.

#### **Section 404.10 Minimum Distance between Buildings**

The minimum distance between detached buildings on the same lot shall be measured in a straight line from the exterior foundation of a building to the nearest exterior foundation of another building. The minimum distance between a use industrial building, and any other building, on the same lot shall be 75 feet.

#### **Section 404.11 Exterior Lighting**

Purpose:

1. To provide safe, well-illuminated roadways and parking lots.
2. To prevent light trespass on adjacent properties.
3. To promote efficient and cost-effective lights.

4. To preserve the ability to view the night sky without artificial light interference.
  - A. All new or replacement sources of exterior illumination of a building, structure, or lot shall be shielded so as not to cause direct glare and shall be directed away from any perimeter lot lines and towards 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 cut-off type. Such exterior lighting fixtures shall be installed so that they operate at all times as full cut-off fixtures as defined in the resolution.
  - B. Up-lighting for buildings and landscaping is permitted with the exception of from 11:00 PM until 6:00 AM unless fully shielded.
  - C. Governmental flag lighting is exempt from this section.
  - D. Sign lighting shall comply with Section 701.0

#### **Section 404.12 Fire Protection Ponds**

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

#### **Section 404.13 Exterior Display or Sales Areas**

Exterior display or sales areas for goods and merchandise shall be a minimum of 30 feet from any front lot line and a minimum of 30 feet from any side or rear lot lines. Exterior sales or display areas for goods and merchandise shall not be located within any off street parking spaces, loading/unloading spaces or driveways on a lot.

#### **Section 404.14 Exterior Storage Areas and Trash Receptacles**

Exterior storage of materials, equipment, machinery, or vehicles in connection with the principle building, structure or use of the lot shall be a minimum of 30 feet from any front lot line and a minimum of 30 feet from any side or rear lot lines, unless otherwise specified in this resolution. Exterior trash receptacles or dumpsters shall be fully screened, and be a minimum of 30 feet from any lot line.

#### **Section 404.15 Sewage Treatment Facilities**

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

#### **Section 404.16 Minimum floor Area for Single Family Residential Dwellings.**

The minimum floor area for a detached single family dwelling shall be in accordance with Section 402.9

## **ARTICLE V: CONDITIONAL USES**

### **Section 500.0 Conditional 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 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.
- B. Pursuant to O.R.C. Section 519.14(C), the board of zoning appeals shall only consider applications for conditional uses that are specifically set forth in this resolution.

### **Section 500.1 Contents of Application for a Conditional Zoning Certificate**

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

All applications for conditional zoning certificates shall contain the following language: The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$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 information requested in the application. The township zoning inspector or the board of zoning appeals may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution.

### **Section 500.2 Transmittal of Application to Board of Zoning Appeals**

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

### **Section 501.0 Meeting of Board of Zoning Appeals**

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

The board of zoning appeals shall give at least ten (10) days' notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted; notice of any continued public hearings shall be given at least by one (1) publication in one (1)-or more newspapers of general circulation in the county and in writing to the parties in interest at least

twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.

**Section 501.1 Action by Board of Zoning Appeals**

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

**Section 502.0 Issuance of Conditional Zoning Certificate**

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

**Section 503.0 General Conditions for Conditional Zoning Certificates**

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

- A. A conditional zoning certificate shall not be transferred or assigned and a change of ownership shall require the new property owner to obtain a new conditional zoning certificate.
- B. A conditional zoning certificate for any of the uses provided herein shall be valid for a period not to exceed five (5) years from the date of issuance.

**Section 504.0 Revocation of Conditional Zoning Certificate**

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

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

**Section 504.1 Procedure for Revocation of Conditional Zoning Certificate**

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



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

### **Section 505.0 General Standards for Conditional Uses**

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

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

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

### **Section 600.0 General Requirements for Parking and Loading/Unloading Spaces in all Zoning Districts**

- A. Adequate parking and loading/unloading spaces in accordance with the resolution shall be provided at the time any building, structure, or use is located, erected, constructed, reconstructed, enlarged, structurally altered, or any is changed. Such spaces are to be used only for the parking or loading/unloading of vehicles.
- B. All parking and loading/unloading spaces shall be located totally outside of the right-of-way of any public or private road.
- C. All parking and loading/unloading spaces shall be located on the same lot as the use to be served.
- D. All parking and loading/unloading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, and roads.
- E. All parking and loading/unloading spaces together with driveways, aisles, and other circulation areas shall be improved with such material to provide a durable all weather and dust-free surface, including aggregate, concrete or asphalt.
- F. Maintenance shall include resurfacing of areas with potholes or cracks, restriping, trimming and replanting of landscaping islands and perimeter yards or screening, servicing of drainage inlets and storm water facilities, replacement of faded or missing signage, and repair of malfunctioning lighting as required by the zoning inspector.
- G. All parking and loading/unloading spaces intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot or loading/unloading area shall be so arranged as to reflect the light away from the adjoining property or roads and shall be in accordance with the lighting regulations for the zoning district in which located.
- H. All paved parking lots with a capacity over 25 vehicles shall be striped or otherwise delineated between spaces to facilitate the movement into or out of parking spaces.
- I. All parking lots and loading/unloading spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and loading/unloading spaces from or into a public or private road shall be traveling in a forward motion. Access driveways for parking lots and loading/unloading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private road.
- J. All entrances and exits to a parking lot shall be clearly marked by appropriate directional signage and/or pavement markings. Interior vehicular circulation shall be delineated by appropriate directional signage and/or pavement markings. Driveways providing access to parking lots and aisles delineating interior circulation patterns within parking lots shall maintain the following minimum standards:
  - 1. For one way traffic the minimum width of driveways and aisles shall be fourteen (14) feet.

- 2. Driveways and aisles for two-way traffic shall have a minimum width of twenty-four (24) feet.
- 3. Parking lots having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.

K. Off-road parking spaces shall be set back a minimum of fifteen (15) feet from the road right-of-way and five (5) feet from any side or rear lot line. A fully landscaped strip of land, not less than five (5) feet in width, shall be located between the road right-of-way and any off-road parking spaces. Landscaping may include a mix of grass, hardy shrubs, or evergreen ground cover. Loading/unloading spaces shall be located to the side or rear of the building or structure they serve, shall not be in any front yard, and shall be set back a minimum of fifteen (15) feet from any side or rear lot line.

L. Whenever a parking lot and/or loading/unloading area is located in or adjacent to a residential district, it shall be effectively screened on all sides that adjoin or face any property used for residential purposes, by a wall, fence, or planting screen. Such wall, fence, or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such wall, fence, or planting screen, and the lot line of the adjoining property in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. In the event that the terrain or other natural features are such that the erection of such wall, fence or planting screen will not serve the intended purpose, then no such wall, fence, or planting screen and landscaping shall be required.

**Section 601.0 Number of Parking Spaces Required**

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

<u>Use</u>	<u>Number of Parking Spaces Required</u>
<b>INSTITUTIONAL</b>	
1. Civic and educational: primary and secondary school; library	One space for each six (6) seats in assembly rooms
2. Governmental: township building used for administrative functions	One (1) space for each 200 sq. ft. of office floor area plus one (1) space for each four (4) seats in assembly rooms
3. Health Center	One (1) space per 150 sq. ft. floor area
4. Place of worship	One (1) space for each three (3) seats in principal assembly room

- 5. Residential Care Facilities; Nursing home      One (1) space per each four (4) rooms for occupants plus one (1) space for each employee.
- 6. Welfare: Hospital      One (1) space per two (2) beds plus one (1) space for each employee

**RESIDENTIAL**

- 7. One-family dwelling, home occupations, Type B family day-care homes, licensed Residential, facilities      Shall provide adequate off road parking for a minimum of two (2) vehicles.

**OFFICE BUILDING**

- 8. Medical and dental offices and clinics.      One (1) space per 1500 sq. ft. of floor area plus one (1) space for each doctor and/or dentist
- 9. Other office      One (1) space per 200 sq. ft. of ground floor area; One (1) space per 300 sq. ft. of floor area of upper floors

**RETAIL BUSINESS**

- 10. General retail establishments      One (1) space per 200 sq. ft. of ground floor Area: one (1) space per 300 sq. ft. of floor area of other floors
- 11. Banks      One (1) space per 200 sq. ft. of floor area plus five (5) spaces for each teller
- 12. Convenience and personal service establishments, food and drug stores, barbers, beauticians, etc.      One (1) space per 160 sq. ft. of floor area
- 13. Farm Market      One (1) space per 200 sq. ft. of ground floor area.
- 14. Eating places, bars, taverns      One (1) space per fifty (50) sq. ft. of floor area or one (1) space per two (2) seats, whichever requires the greater number of spaces; a minimum of forty (40) spaces if carry-out or drive-in service included
- 15. Club, lodge or other assembly hall.      One (1) space per four (4) seats in building.

**COMMERCIAL BUSINESS**

- 16. Indoor theater      One (1) space per four (4) seats in building
- 17. Bowling Alley      Seven (7) spaces per bowling lane

- |  |  |
|--|--|
| 18. Dance hall, skating rink, swimming pool  | One (1) space per fifty (50) sq. ft. of area used for dancing, skating, or swimming  |
| 19. Service and storage establishment        | One (1) space for every 50 sq. ft.   |
| 20. Motel, hotel, bed and breakfast inn      | One (1) space per guest room or unit   |
| 21. Funeral Home                             | One (1) space per 30 sq. ft. of assembly rooms, or one (1) space for each four (4) seats, whichever requires the greater number, but in no case less than twenty (20) spaces |
| 22. Executive offices, sales offices         | One (1) space per 200 sq. ft. of executive and sales office floor area   |
| 23. Uses permitted in an Industrial District | One (1) space for each 1.5 employees or 1 space for each three hundred (300) sq. ft. of building area, whichever is greater.   |

If the application of the standards as set forth in this subsection as to number of employees results in a lesser number of parking spaces than required by the application of the standard as to square feet of building, the Zoning Inspector may permit the construction of the lesser number of spaces. However, the additional area required to provide the number of spaces under the square feet of building standard shall be reserved and held as open area exclusive of all required yard areas, for future construction of parking spaces when the number of employees in the building is increased. Furthermore, when a substantial amount of floor area is used solely for the storage of material and merchandise, the Zoning Inspector may exclude such area in computing the required number of parking spaces based on the standard as to square feet of building, but in no event shall the Zoning Inspector require less than one (1) space for each six hundred (600) square feet of building area.

**OTHER BUILDINGS OR USES**

24. For a specific use not listed, the Zoning Inspector shall apply the unit of measurement of the above schedule deemed to be most similar to the proposed building or use.

## Section 602.0 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 603.0 Number of Loading/Unloading Spaces Required

Building or Use	Gross Floor Area of Building (square feet)	Required Number of Loading Spaces
Retail stores, all types	5,000 to 10,000	1
	10,001 to 40,000	2
	40,001 to 100,000	3
	Each additional 50,000	1 additional space
All commercial and	Up to 40,000	1
Manufacturing	40,001 to 100,000	2
Establishments	Each additional 50,000	1 additional space

Uses for which off-street loading facilities are required but which are located in buildings of less than 5,000 square feet of floor area shall be provided with a receiving platform or other facilities adjacent to a service drive or other open space on the same lot.

## Section 604.0 Size of Loading/Unloading Spaces

A required off-street loading space shall be at least twelve (12) feet by at least twenty five (25) feet in length for buildings having less than 15,000 square feet of gross floor area, and each required loading space for a building of 15,000 square feet or more of floor area shall not be less than fourteen (14) feet wide by sixty (60) feet in length. Each space shall have a vertical clearance of at least fourteen (14) feet. The above area shall be exclusive of aisle and maneuvering space.

For industrial uses the maneuvering space or apron for off-street loading shall be at least sixty (60) feet wide measured from the outermost part of any vehicle backed up to a loading dock or any other possible obstruction in the maneuvering area.

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

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

- C. If fractional spaces result, the number of spaces required shall be determined to be the next highest whole number, if the fraction is one-half or more.
- D. "Banking" of off-street parking spaces may be permitted, provided that such spaces are permanently reserved by a deed restriction running with the affected lot. Such restriction shall not be extinguished without the prior approval of the zoning inspector for a permitted use or the board of zoning appeals for a conditional use.

**Section 606.0 Driveways**

- A. A driveway in the residential zoning district shall be set back a minimum of three (3) feet from the nearest side and rear lot lines, measured in a perpendicular fashion from the lot line to the edge to the driveway, shall be constructed of a durable all-weather surface such as aggregate, concrete or asphalt, and shall be a minimum of twelve (12) feet in width, unless otherwise specified herein.
- B. A driveway in the commercial and industrial zoning districts shall be set back a minimum of three (3) feet from the nearest side and rear lot lines, measured in a perpendicular fashion from the lot line to the edge of the driveway, shall be constructed of a durable all-weather surface such as aggregate, concrete or asphalt, and shall be a minimum of fourteen (14) feet in width, unless otherwise specified herein.
- C. If a driveway intersects a state, county, or township road, a permit shall be secured from the appropriate governmental authority and a copy thereof provided to the zoning inspector as a part of an application for a zoning certificate.
- D. In any zoning district, a driveway shall be set back a minimum of twenty-five (25) feet from any county, township or private road intersection measured in a perpendicular fashion from the edge of the road right-of-way to the edge of the driveway. The minimum driveway setback in any zoning district from a state highway intersection shall be in accordance with the applicable regulations of the Ohio Department of Transportation.
- E. If a driveway exceeds six hundred (600) feet in length, measured along its centerline beginning at the public road right-of-way, then it shall have a pull-off space equal to twice the minimum width of the driveway. A pull-off shall be constructed for each six hundred (600) feet of additional driveway length.
- F. Regulations for driveways serving parking lots shall be in accordance with section 600.0.
- G. Decorative pillars, posts, entries, trees/branches must be clear of twelve (12) feet drives, with clearance necessary for ingress and egress of emergency vehicles.

**Section 607.0 Handicapped Parking**

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

## **Section 608.0            Parking or Storage of Vehicles and Equipment**

- A. The parking or storage of backhoes, bulldozers, and similar construction related equipment, unless such equipment is temporarily being used for construction upon the affected lot, shall be prohibited outside of a fully enclosed building in a residential zoning district. In all other nonresidential zoning districts, such equipment shall not be parked or stored in front of the principal building on a lot and shall be set back from all lot lines in accordance with the regulations for the zoning district in which it is located.
  
- B. The parking or storage of commercial tractors as defined in O.R.C. Section 4501.01(D) or semi-trailers as defined in O.R.C. Section 4501.01(P), except for temporary delivery or pick-up of goods or materials, shall be prohibited in a residential zoning district. In all other nonresidential zoning districts, such commercial tractors or semi-trailers shall not be parked or stored in front of the principal building on a lot unless they are within a driveway, parking, or loading/unloading area and shall be set back from all lot lines in accordance with the regulations for the zoning district in which they are located.
  
- C. As defined in O.R.C. Section 4501.01, a recreational vehicle, travel trailer, motor home, truck camper, trailer or boat shall be parked or stored within a fully enclosed building on a lot in a residential zoning district or if parked or stored outside of a fully enclosed building shall not be parked or stored in front of a principal building and shall be set back from all lot lines in accordance with the regulations for the zoning district in which located.



## **ARTICLE VII: SIGNS**

### **Section 700.0 Sign Definitions**

See Article II Definitions

### **Section 701.0 General Requirements for all Signs**

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

1. Any illuminated sign or lighting device shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed upon a public or private road or adjacent lots so as to cause glare or reflection that may constitute a traffic hazard, nuisance, or distraction.
2. No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
3. No sign shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window providing access to any fire escape or exit.
4. No sign or part thereof shall emit sound, be inflatable or contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices; provided, however, said signs may be permitted for special promotional activities in the Commercial Zoning District for a maximum time period of thirty (30) consecutive days in a calendar year. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.
5. No sign shall be placed within any public right-of-way except governmental or public utility signs. No signs shall be placed on a public utility pole, except by a public utility.
6. Signs and support structures shall consist of weather resistant materials and shall be maintained in good repair and a safe condition so as to prevent rust, rot, peeling, flaking or fading. Broken or cracked sign faces or panels, missing letters, flaking or peeling paint, malfunctioning electrical or lighting components, and other visible damage or deterioration shall not be permitted. 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 within thirty (30) days to put such sign in a safe and secure condition or remove the sign.

## **Section 702.0 Prohibited Signs in all Districts**

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

1. Signs that prevent the driver of a vehicle from having a clear and unobstructed view of official governmental signs and/or approaching or merging traffic.
2. Signs that interfere with, imitate or resemble an official governmental sign, signal, or device.
3. Signs illuminated so as to interfere with the effectiveness of or which obscure an official governmental sign, signal, or device.
4. Roof signs.
5. Mobile signs.
6. Any sign not otherwise permitted in this resolution.

## **Section 703.0 Governmental Signs Exempted**

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

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

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

1. One (1) real estate sign per lot, dwelling unit, or use which advertises the sale, lease, or rental of the premises upon which such sign is located.
2. One (1) real estate development sign per subdivision which advertises the sale of lots in the subdivision upon which such sign is located.
3. One (1) nameplate sign per lot, dwelling unit, or use with a maximum area of six (6) square feet per sign face indicating the name and addresses of the owners or occupants of the premises.
4. Directional (entrance and exit) signs on private property with a maximum area of four (4) square feet per sign face and containing only directional information.
5. Temporary signs may be erected only with the permission of the owner of the premises, and shall be erected for no more than thirty (30) consecutive days without replacement or removal; and, replaced no more than four (4) times in any calendar year. No temporary sign shall be posted on 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 road right-of-way nor shall any such sign be posted on a utility pole. Temporary signs shall have maximum area of six (6) square feet per sign face and the maximum height shall be eight (8) feet. Temporary signs shall not be illuminated by any means, including reflecting light. There shall be no more than one (1) temporary sign erected on a lot.

6. One (1) development sign per subdivision or premises with a maximum area of forty (40) 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

B. No zoning certificate or fee shall be required for the change of content or subject matter of a sign provided, that there is no structural or design alteration of said sign.

**Section 705.0 Signs Permitted in a Residential Zoning District (see also Section 704.0)**

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

1. Each use in a residential zoning district may be permitted only one (1) of the following signs on . the lot:  
wall, ground or pylon

a. Wall signs shall have a maximum area of six (6) square feet.

b. Ground or pylon signs shall have a maximum area of six (6) square feet per sign face.

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

1. Professional or home occupation signs shall have a maximum area of six (6) square feet per sign face.

2. Bulletin board signs shall have a maximum area of six (6) square feet per sign face.

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

**Section 706.0 Signs Permitted in the Commercial and Industrial Zoning Districts (see also Section 704.0 and 713.0)**

A. Only the following 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:

1. Each commercial or industrial use may be permitted one (1) of the following signs on the premises: wall, projecting, or marquee.

a. Wall signs shall have a maximum area of sixteen (16) square feet.

b. Projecting signs shall have a maximum area of sixteen (16) square feet per sign face and shall not extend more than three (3) feet measured from the face of the building to which such sign is attached.

c. Marquee signs shall have a maximum area of twenty (20) square feet per sign face and shall not extend more than ten (10) feet measured from the face of the building to which such sign is attached.

2. In addition to a wall, projecting, or marquee sign each commercial or industrial use may be permitted one (1) ground or pylon sign on the lot. Such sign shall not exceed sixty-four (64) square feet per sign face in area. There shall be no more than one (1) ground or pylon sign per lot.

3. In lieu of the permitted ground or pylon sign in paragraph 2 above, one (1) or more groups of commercial or industrial uses within the same building or structure, or located on the same lot, may be permitted one (1) directory sign for all uses. Such signs shall have a maximum area of one hundred (100) square feet per sign face.

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

1. Bulletin board signs shall have a maximum area of sixteen (16) square feet per sign face.

2. Business or professional signs shall have a maximum area of twenty (20) square feet per sign face.

3. Directory signs shall have a maximum area per section 706.0(A) (3)

### **Section 707.0 Measurement of Sign Area**

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

### **Section 708.0 Measurement of Sign Height**

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

### **Section 709.0 Maximum Height Requirements**

A. Projecting, wall, and marquee signs shall not exceed the height of the wall face to which such signs are attached.

B. Pylon signs shall have a maximum height of twenty (20) feet.

C. Ground signs shall have a maximum height of twelve (12) feet

## **Section 710.0 Minimum Yard Requirements**

- A. Ground or pylon signs shall have a minimum setback of ten (10) feet from the front lot line.
- B. Ground or pylon signs shall have a minimum setback of twenty (20) feet from the side lot lines.

## **Section 711.0 Removal of Damaged Nonconforming Signs**

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

## **Section 712.0 Removal of Signs**

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

## **Section 713.0 Billboards**

### **A. Conditional Zoning Certificate Required**

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

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

### **B. Conditions**

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

1. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in one 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 five hundred (1500) 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 four hundred (400) 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 thirty-five (35) 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 one hundred (100) feet from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
11. A billboard shall be setback a minimum of one hundred (100) feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of the billboard.
12. The maximum height of a billboard shall be thirty (30) 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 200 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 any driveway.

16. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ lighting of a constant intensity. Flashing, rotating or oscillating lighting shall be prohibited. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device or signal.
17. A billboard shall not employ any elements which revolve, whirl, spin or otherwise make use of motion.
18. All wiring, fittings, and materials used in the construction, connection and operation of a billboard shall comply with the applicable provisions of the building and electrical codes enforced by the Geauga County Building Department. Proof of compliance with such codes shall be provided by the applicant.
19. The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.
20. A billboard shall be included in determining the maximum coverage of buildings and structures on a lot for the zoning district in which it is located.
21. A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Flood Insurance Rate Maps of Geauga County.
22. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.
23. The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.
24. Billboard sign faces shall be neatly painted or posted at all times and the billboard structure shall be kept in a safe state of repair.
25. No portion of any billboard shall be located directly above any portion of any other billboard and so-called "stacking" of billboards is expressly prohibited.
26. All billboards shall utilize steel monopole construction and all non-display surfaces shall be painted or otherwise maintained at all times to prevent rust and other forms of deterioration.

## **ARTICLE IX: NONCONFORMING BUILDINGS, STRUCTURES AND USES**

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

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

### **Section 901.0 Reasonable Terms**

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

### **Section 902.0 Completion**

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

### **Section 903.0 Restoration**

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

### **Section 904.0 Repair and Replacement**

- A. If fifty percent (50%) or more of a building or structure occupied by a nonconforming use is damaged or partially destroyed by any cause, as determined by the zoning inspector, the right to maintain and continue to operate such nonconforming use shall terminate immediately.
- B. If fifty percent (50%) or more of a nonconforming building or structure is damaged, partially destroyed, or otherwise becomes substandard pursuant to the applicable provisions of the county or state building code as determined by the zoning inspector, the right to repair or replace such nonconforming building or structure shall terminate immediately.
- C. The repair or replacement of a substandard, damaged or partially destroyed building or structure shall be completed within two (2) years of the date of such determinations by the zoning inspector.



## **Section 905.0 Reconstruction**

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

## **Section 906.0 Extension**

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

## **Section 907.0 Substitution**

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

## **Section 908.0 Nonconforming Lot of Record**

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

1. It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.

2. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.
3. The amount of nonconformity has not been increased since it became nonconforming.
4. It complies with all other regulations set forth herein, except minimum lot area, minimum lot frontage and minimum lot width.

## **ARTICLE X: ADMINISTRATION**

### **Section 1000.0 Township Zoning Inspector**

#### **Section 1000.1 Position of Township Zoning Inspector Established**

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

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

#### **Section 1000.2 Zoning Inspector's Bond**

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

#### **Section 1000.3 Duties of Township Zoning Inspector**

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

- A. Provide applications for zoning certificates to those persons who wish to apply for a zoning certificate.
- B. Receive and act upon applications for zoning certificates in accordance with sections 1100.2 and 1100.3.
- C. Issue zoning certificates as permitted by the terms of this resolution.
- D. Revoke zoning certificates as permitted by the terms of this resolution.
- E. Receive and act upon complaints regarding violations of this resolution in accordance with section 1101.0.
- F. Make inspections as required to fulfill his/her duties.
- G. Upon finding that any provision of this resolution is being violated, he/she shall notify, in writing, the person responsible for such violation, ordering the action to correct such violation.
- H. Take any other action authorized by this resolution or by law to ensure compliance with or to prevent violations of this resolution.
- I. Safely keep an official record of all actions taken in fulfillment of the duties imposed on him/her by this zoning resolution; and, safely keep all documents, including applications,

complaints, zoning certificates, reports and inspections which are received, issued or made in connection with his/her duties as zoning inspector. All such records and documents shall be 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. Safely keep and deposit all fees and monies received by him/her with the township fiscal officer within twenty-four (24) consecutive hours of receipt pursuant to R. C. 117.17.
- M. Review proposed preliminary major subdivision plans and final major subdivision plats pursuant to R.C. Section 711.10 and the "Subdivision Regulations of Geauga County, Ohio" and sign and date the original mylar of such plans or plats to ensure proof of compliance with the applicable provisions of this resolution.
- N. Review proposed divisions of land that are not subject to platting and consolidations of lots pursuant to the "Subdivision Regulations of Geauga County, Ohio" and sign and date the survey plat with the appropriate language thereon to ensure proof of compliance with the applicable provisions of this resolution.

**Section 1001.0 Township Zoning Commission**

**Section 1001.1 Township Zoning Commission Created**

The board of township trustees has created and established a township zoning commission in accordance with R.C. 519.04, which states that the commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the board. The board of township trustees may appoint two (2) alternate members to the township zoning commission, for terms to be determined by the board of township trustees. The two (2) alternates shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the zoning commission. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission. Alternate members of the zoning commission are expected to attend all meetings of the commission even when they are not filling a vacancy. At such times, their status as an active or inactive alternate member shall be made clear to all attending a meeting. If a regular member fails to appear, or appears following the start of a meeting, then the alternate member shall fill the vacancy of the regular member immediately, but not before, the start of the meeting, and all related continuance meetings. The start of the meeting begins at the call to order by the chairman of the zoning commission. The chairman shall preside over all meetings. In the absence of the chairman, the vice chairman shall preside. An alternate shall not preside over a meeting of the zoning commission. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member,

the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the regular members shall be of such length and so arranged that the term of one (1) member will expire each year. Where there is a county planning commission the board 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 including alternate members, shall be removable for nonconformance 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 (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The hearing shall occur within sixty (60) days after the charges are filed. The member shall be given an opportunity to be heard and answer such charges. Upon the approval of a majority of the board of township trustees, the member may be suspended from participating as a member of the zoning commission during the period of up to sixty (60) days before the pending hearing on the removal. Vacancies shall be filled by the board and shall be for the unexpired term. A suspension authorized by this section is not a vacancy for purposes of this section. The decision of the board of township trustees regarding a suspension or removal may be appealed under O.R.C. Chapter 2506

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

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

### **Section 1002.0 Township Board of Zoning Appeals**

#### **Section 1002.1 Township Board of Zoning Appeals Created**

Each regular or alternate member shall serve until his successor is appointed and qualified. Members, including alternate members, shall be removable for the same causes and in the same manner and may be suspended as provided Section 519.04 of the Ohio Revised Code. The decision of the board of township trustees regarding the suspension or removal may be appealed under Chapter 2506 of the Ohio Revised Code. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. A suspension authorized by Section 519.04 of the Ohio Revised Code is not a vacancy for purposes of this section. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide.

The terms of all regular members shall be of such length and so arranged that the term of one (1) member will expire each year.

Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members, including alternate members, shall be removed for the same causes and in the same manner as provided in Section 519.04 of the Revised Code. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide.

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

### **Section 1002.2 Powers of Township Board of Zoning Appeals**

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.
- C. Grant conditional zoning certificates for the use of land, buildings, or other structures for specific uses provided for in this resolution and in accordance with the conditions set forth herein.
- D. In exercising the powers set forth in paragraph “A” and “B” hereinabove, the board of zoning appeals may, in conformity with such sections of the Ohio Revised code or this resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the zoning inspector from whom the appeal is taken.**

### **Section 1002.3 Rules, Organization, and Meetings of Board of Zoning Appeals**

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

- C. If the board of township trustees appoints alternate members of the board of zoning appeals in accordance with O.R.C. 519.13, the two (2) alternates shall be identified as first and second alternate indicating the order in which they shall fill vacancies on the board of zoning appeals. When filling a vacancy created by an absent regular member, the alternate member shall be subject to all responsibilities of a regular member under the adopted bylaws of the board of zoning appeals. Alternates are expected to attend all meetings and hearings of the board of zoning appeals even when they are not filling a vacancy. At such times, their status as an active or inactive alternate member shall be made clear to all in attendance at a meeting or hearing. If a regular member fails to appear, or appears following the start of a meeting or hearing, then the alternate member shall fill the vacancy of the regular member immediately, but not before, the start of the meeting and all continuance meetings or hearings. The start of the meeting or hearing begins with the call to order by the chairman of the board of zoning appeals. The chairman shall preside over a meeting or hearing. In the absence of the chairman, the vice chairman shall preside. At no time shall an alternate preside over a meeting or hearing of the board of zoning appeals.

#### **Section 1002.4 Procedures of 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 within twenty (20) days after the decision of the zoning inspector by filing, with the zoning inspector and with the board of zoning appeals, a notice of appeal specifying the grounds of appeal. The zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- B. Written notices of appeal shall be made on forms provided by the township zoning inspector and shall be signed and dated by the appellant or his/her authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

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

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

1. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his/her authorized representative relative to the alleged error made by the zoning inspector in his/her determination of the application for the zoning certificate.

2. For notices of appeal requesting a variance, the appellant or his/her authorized representative shall provide the following:
  - a) A statement relative to the exact nature of the variance requested.
  - b) The specific zoning regulation(s) shall be cited from which a variance is requested.
  - c) Written justification for a variance shall be made by the appellant and the board of zoning appeals shall determine if the proposed variance involves an "area" variance or a "use" variance.
3. 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. Not all of the following factors must be met by the appellant and no single factor controls in a determination of practical difficulties.
  - a. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance.
  - b. Whether the variance is substantial.
  - c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining lots would suffer a substantial detriment as a result of the variance.
  - d. Whether the variance would adversely affect the delivery of governmental services.
  - e. Whether the property owner purchased the lot with the knowledge of the zoning restriction.
  - f. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance.
  - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
4. 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. All of the following factors must be met by the appellant:
  - a. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
  - b. The hardship condition is not created by actions of the applicant;
  - c. The granting of the variance will not adversely affect the rights of adjacent owners;
  - d. The granting of the variance will not adversely affect the public health, safety or general welfare;



- e. The variance will be consistent with the general spirit and intent of the zoning resolution;
- f. The variance sought is the minimum which will afford relief to the appellant; and
- g. There is no other economically viable use which is permitted in the zoning district.

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

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

D. Hearings before the board of zoning appeals shall be conducted in accordance with the following:

1. Any person may appear in person or by attorney.
2. All testimony and evidence received by the board shall be given under oath or affirmation administered by the chairman or in his/her absence the acting chairman of the board of zoning appeals
3. A party in interest shall be allowed:
  - a. To present his/her position, arguments and contentions;
  - b. To offer and examine witnesses and present evidence in support thereof;
  - c. To cross-examine witnesses purporting to refute his/her position, arguments and contentions;
  - d. To offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions;
  - e. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
4. The board of zoning appeals shall be provided with the original plus eight (8) copies of all exhibits submitted by a party in interest.
5. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.
6. An accurate record of the proceedings shall be kept and preserved by the board of zoning appeals.

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

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

#### Section 1002.5 **Supplementary Conditions on Variances**

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

## **ARTICLE XI: ENFORCEMENT**

### **Section 1100.0 Zoning Certificate Required**

- A. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure nor shall any building, structure, or real property be changed in use within the territory included in this zoning resolution without obtaining a zoning certificate and no such zoning certificate shall be issued unless the plans for the proposed building, structure or use fully comply with this zoning resolution.
- B. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure:
1. To provide for greater height or bulk;
  2. To accommodate or house a greater number of families;
  3. To occupy a greater percentage of lot area; or
  4. To have narrower or smaller front yards, side yards, rear yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this resolution.
- C. No lot or yard existing at the time of the effective date of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.
- D. A lot shall have frontage on a road and shall be in conformity with all of the minimum area, frontage, width, setbacks (yards) and other applicable regulations contained in this resolution or any amendment thereto in effect at the time of its recording with the county recorder. A lot of record may be divided or consolidated so as to make it more conforming; however, a lot of record shall not be divided or consolidated so as to make it less conforming with the regulations in this resolution or any amendment thereto.

### **Section 1100.1 Contents of Application for a Zoning Certificate**

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

All applications for 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 zoning certificate shall be submitted to the township zoning inspector and shall include, at a minimum, the information requested in the application. 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 1100.2 Action by Township Zoning Inspector on Application for Zoning Certificate**

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

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

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

## **Section 1100.3 Submission to Director of Ohio Department of Transportation**

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

The zoning inspector shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the director. If the director of transportation notifies the zoning inspector that he/she has purchased or has initiated proceedings to appropriate the land which is the subject of the application, then the zoning inspector shall refuse to issue the zoning certificate. If the director notifies the zoning inspector that he/she has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the director and the property owner, the zoning inspector shall act upon the application in accordance with the provisions of this resolution.

## **Section 1100.4 Revocation or Reissuance of Zoning Certificate**

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

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

When a zoning certificate has been declared revoked by the zoning inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and

such notice shall be posted in a conspicuous place on the affected property as described in the zoning certificate. Such notice shall set forth the reason(s) for the revocation of the zoning certificate as well as the applicant's right to appeal to the township board of zoning appeals in accordance with Article X of this resolution. Such notice shall also include a statement that all construction upon or use of the building, structure, or land described in the zoning certificate shall cease unless and until a new zoning certificate has been issued.

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

### **Section 1101.0 Complaints Regarding Violations**

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

### **Section 1102.0 Prohibition against Violating Zoning Resolution**

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

### **Section 1103.0 Action to Prevent Violations of Zoning Regulations**

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

## **ARTICLE XII: AMENDMENTS**

### **Section 1200.0 Procedure for Amendments to Zoning Resolution**

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

### **Section 1201.0 Contents of Application for-a Zoning Amendment**

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

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

### **Section 1202.0 Submission to Director of Ohio Department of Transportation**

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

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

## **ARTICLE XIII: WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES**

### **Section 1300.0 Purpose**

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

### **Section 1301.0 Permitted Uses**

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

- A. A wireless telecommunication antenna may be permitted on a lawfully existing telecommunications tower, with the necessary equipment shelter, as a collocation on said existing tower.

- B. A wireless telecommunications tower and appurtenant facilities may be permitted within a recorded electric high tension power line easement. A tower located within said easement shall not be subject to the regulations set forth in Section 1302.0(M), (T), and (V) (5).
- C. A wireless telecommunications tower and appurtenant facilities may be permitted in the Commercial and Industrial Zoning District(s).

### **Section 1302.0 Regulations for Wireless Telecommunications Towers**

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged in the Commercial and Industrial Zoning Districts as a permitted use subject to the requirements of this Article and upon application for Zoning Certificate and issuance of said certificate by the Zoning Inspector.

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



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

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

1. The planned equipment would exceed the structural capacity of existing or approved towers or structures as documented by a licensed professional engineer; and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  2. The proposed equipment would cause radio frequency interference with other existing or planned equipment which cannot be prevented at a reasonable cost as documented by a licensed professional engineer.
  3. The existing or approved towers or structures do not have space on them to accommodate the proposed equipment so it can function effectively and reasonably as documented by a licensed professional engineer.
  4. Collocation would violate federal, state, or county regulations.
  5. The location of existing towers or buildings is not technically suitable due to topography or other impediments to transmission as documented by a licensed professional engineer.
  6. Existing or approved towers or structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
- N. The owner/operator of a free-standing monopole wireless telecommunications tower shall be required to allow collocation for a minimum of two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. The owner/operator of a free-standing lattice wireless telecommunications tower shall be required to allow collocation for a minimum of five (5) additional antenna platforms of equal loading capacity for five (5) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Zoning Inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this regulation as well as all other applicable requirements, regulations and standards set forth herein.
- O. The owner of any wireless telecommunications tower erected under this section shall be required to accept collocation of any other antenna(s) except upon a showing of technological nonfeasibility as set forth herein..
- P. A wireless telecommunications tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for additional users as set forth herein. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- Q. There shall be no storage outside of the security fence of equipment or other items on the site except during the construction period, for ordinary maintenance, or in times of a power outage.
- R. The minimum distance between wireless telecommunications towers and facilities which extend to a height over fifty (50) feet shall be one thousand two hundred fifty (1,250) feet.
- S. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances are discontinued for two (2) years or more, said facilities shall be deemed abandoned. The Zoning Inspector shall notify the applicant in writing by certified mail (return receipt requested) and advice

that the facility must be reactivated within thirty (30) days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the Zoning Certificate for the site shall be revoked during any period of discontinuance of said telecommunications facility; the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject lot shall at all times be kept in good repair. The Zoning Inspector shall require a cash or surety bond of not less than one hundred dollars (\$100.00) per vertical foot from natural grade as part of a Zoning Certificate to ensure such conditions, including but not limited to the removal of the tower, are met.

- T. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.
- U. Wireless telecommunications towers, antennas, and appurtenances mounted to a building or structure for other than use by the building owner or tenant.
  - 1. A wireless telecommunications tower, antenna, and appurtenances may be mounted to a lawfully existing building or structure (other than a dwelling) or to a proposed building or structure (other than a dwelling) provided the maximum height of the tower, antenna, or appurtenances shall not exceed one hundred and fifty (150) feet above ground level, as long as the tower, antenna, or appurtenances also comply with the requirement that the height of the tower, antenna, or appurtenances from the base to the top may not exceed the distance from the base of the tower, antenna, or appurtenances to the nearest property line, minus twenty (20) feet.
  - 2. There shall be no more than one (1) wireless telecommunications tower or antenna mounted on a legally existing building or structure. In a commercial or industrial zone, each use (unit) is permitted one (1) wireless telecommunications tower or antenna.
  - 3. A wireless telecommunications tower, antenna, and appurtenances shall comply with all of the regulations for the Zoning District in which it is located; including minimum yards (setbacks), except as may otherwise be specified in this Section of the Zoning Resolution.
  - 4. A written report prepared by a licensed structural engineer shall be submitted indicating that the building or structure upon which a wireless telecommunications tower, antenna, and appurtenances may be mounted will support same.

V. Free-standing wireless telecommunications towers, antennas, and appurtenances

- 1. The maximum height of a freestanding monopole or a freestanding lattice wireless telecommunications tower, including antenna(s), and appurtenances shall not exceed two hundred (200) feet.
- 2. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances may not exceed the distance from the base of the tower, antenna, or appurtenances to the nearest property line, minus twenty (20) feet.
- 3. The maximum size of an equipment shelter accessory to a freestanding monopole wireless telecommunications tower shall be four hundred (400) square feet and for a

freestanding lattice wireless telecommunications tower the maximum size of the equipment shelter shall be nine hundred ninety (990) square feet. The maximum height of an equipment shelter shall be twelve (12) feet. There shall be no more than one (1) equipment shelter located on a lot in conjunction with wireless telecommunications tower or antenna(s). An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.

4. A free-standing monopole wireless telecommunications tower shall be designed to support the collocation of at least three (3) antenna platforms of equal loading capacity. A free-standing lattice wireless telecommunications tower shall be designed to support the collocation of at least six (6) antenna platforms of equal loading capacity.
5. A wireless telecommunications tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the Zoning District in which it is located, except as may otherwise be specified in this Section of the Zoning Resolution.

### **Section 1303.0 Prohibited Areas**

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

### **Section 1304.0 Fees**

In addition to general application fees for a Zoning Certificate, the applicant for a wireless telecommunications tower and appurtenant facilities shall be responsible for all expenses incurred by the Township or any technical and or engineering services deemed necessary by the Zoning Inspector, the Board of Zoning Appeals, or the Board of Township Trustees to perform the reviews and/or inspections set forth in this Section of the Zoning Resolution.

### **Section 1305.0 Public Utility Exemption**

- A. Subject to R.C. 519.211(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- B. In the event a wireless telecommunications tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations set forth herein do not apply when the proposed location of the tower facility is in a non-residentially zoned area of the Township. The proponent of such a tower facility must file a written application with the Zoning Inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for the purpose of this exemption:

1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
4. Whether the applicant conducts its operation in such a manner as to be a matter of public concern;
5. Whether the good or service is vital;
6. Whether there is a lack of competition in the local marketplace for the good or service;
7. Whether there is regulation by a government authority and the extent of that regulation;
8. Whether the applicant possesses the power of eminent domain.

No single factor set forth above is controlling as to whether the applicant is a "public utility engaged in the provision of telecommunications services." Each factor should be considered and weighed according to the factual circumstances presented and, in specific circumstances some factors may be given more weight than others.

- C. If the Zoning Inspector determines to deny the applicant such "public utility" status, the inspector shall do so in writing and state the reasons therefor. Such decision of denial by the Zoning Inspector may not be a final decision by the Township on the issue. Any determination by the Zoning Inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the Board of Zoning Appeals pursuant to the procedures set forth in this Zoning Resolution. The decision of the Board of Zoning Appeals shall be the final decision of the Township on this issue.
- D. In the event a wireless telecommunications tower and appurtenant facility is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this Zoning Resolution if it meets all of the criteria in 1, 2, and 3 below as follows:
1. All requirements of Section 1305.0 A through C are met;
  2. The public utility provides both of the following by certified mail:
    - a. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
      - (1) The public utility's intent to construct the tower; and
      - (2) A description of the property sufficient to identify the proposed location.

(3) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the Board of Township Trustees requesting that the provisions of this Zoning Resolution apply to the proposed location of the tower.

a. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and

b. Written notice to the Board of Township Trustees of the information specified in subsection D.2. a of this section; and

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

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

## **Section 1306.0 Site Plan**

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

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

B. The site plan shall be based upon a survey, drawn to scale, have a north arrow, and show the location and dimensions of the wireless telecommunications tower and appurtenant facilities from all lot lines, buildings, structures, and public road right-of-ways. A copy of the structural

design prints from the manufacturer shall be provided for a wireless telecommunications tower, antenna(s), and equipment shelter.

- C. The height of the telecommunications tower and all appurtenant facilities above grade shall be provided and all potential mounting positions and locations of antennas shall be shown in order to evaluate collocation opportunities.
- D. The dimensions of all buildings, structures, driveways, parking area, and all appurtenant facilities shall be provided.
- E. Existing easements of record and proposed easements with dimensions shall be shown.
- F. A copy of a title examination for the subject premises shall be submitted.
- G. The shipping weight of the wireless telecommunications tower, antenna(s), equipment shelter(s), and all appurtenances shall be provided. The delivery route shall be given and subject to review as to road weight limits.
- H. Proof of compliance with the regulations of the Geauga Soil and Water Conservation District with respect to soil erosion and storm water runoff shall be submitted.

## ARTICLE XIV: ADULT ORIENTED BUSINESSES

### Section 1400.0

### Definitions

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

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

**"Adult bathhouse or sauna"** means a steam bath or heated bathing room used for the purpose of bathing, relaxation, or using steam or hot air as a cleaning, relaxing or reducing agent and the service provided is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

**"Adult cabaret"** means a building or portion thereof including a nightclub, bar, restaurant or similar establishment which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on: Persons who appear in a state of nudity, or The exhibition of "specified anatomical areas" or "specified sexual activities" for observation by patrons.

**"Adult massage business"** means an establishment where, for any form of consideration, manipulation of human muscles or tissue by rubbing, stroking, kneading or other treatment of the body is practiced which is characterized by emphasis on matters related to "specified sexual activities" or "specified anatomical areas," unless such massage treatment is practiced by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional practitioner licensed by the state.

**"Adult media"** means magazines, books, videotapes movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

**"Adult media store"** means an establishment that rents and / or sells media and that meets any of the following:

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

**"Adult motel or hotel"** means an establishment which:

- Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are



characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";

- Rents, leases, or offers sleeping rooms or suites for a period of time that is less than ten (10) hours; or
- Allows an occupant or tenant to sublet a room or suite for less than ten (10) hours; or
- Rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.

**"Adult motion picture theater"** means an establishment where, for any form of consideration, films, motion pictures, video cassettes, compact or digital discs, slides, similar photographic reproductions or previously recorded visual presentations are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**"Adult oriented business"** means an establishment which is designed and used to sell, rent, or show sexually explicit or hard-core materials, paraphernalia, machines, equipment, services, performances, and such other uses distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult media store, adult motion picture theater, adult theater, adult sexual paraphernalia business, and an adult sexual encounter business.

**"Adult sexual encounter business"** means an establishment that offers, for any form of consideration, a place where persons or patrons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult sexual encounter business shall include an adult cabaret, a lingerie or adult modeling studio, a nude photography studio, an adult bathhouse or sauna, a body-painting studio, an adult massage business, and an adult hotel or motel. It shall not include an establishment operated by a licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.

**"Adult sexual paraphernalia business"** means an establishment which devotes ten (10) percent or more of its gross public floor area to the sale or rental of adult media or sexually oriented devices, toys or novelties.

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

**"Body-painting studio"** means an establishment wherein paint or similar materials or substances are applied to specified anatomical areas of patrons who are in a state of nudity.

**"Display publicly"** means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a road, a public sidewalk, from an adjoining lot line, or from any portion of the premises where items and material other than adult media are on display to the public.

**"Establishment"** means any business regulated by this article.

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

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

**"Hard-core material"** means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice of a person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation..

**"Lingerie or adult modeling studio"** means an establishment that provides the services of live models to model lingerie to patrons and who engage in specified sexual activities or expose specified anatomical areas while being observed, painted, painted upon, sketched, drawn, photographed, or otherwise depicted by patrons.

**"Nude photography studio"** means an establishment that takes still or motion pictures for any form of consideration of models or patrons who engage in specified sexual activities or expose specified anatomical areas while being photographed.

**"Nudity"** means the showing of either of the following:

The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or

The female breast with less than a fully opaque covering on any part of the areola.

**"Sexually oriented devices, toys or novelties"** means, without limitation, any artificial or simulated specified anatomical area or other device, novelty, toy or paraphernalia that is designed principally for specified sexual activities or to stimulate human genital organs, but shall not mean any contraceptive device.

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

**"Specified sexual activities"** means any of the following:

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

**"Video viewing booth or arcade booth"** means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video tape, laser disc, CD-ROMs, books, magazines or periodicals) for observation by patrons therein. A video-viewing booth or arcade booth shall not mean a theater, motion picture theater, playhouse, or a room or enclosure within a building or portion thereof that contains more than twenty (20) square feet of floor area.

## **Section 1401.0**

### **Conditions for Adult Oriented Businesses**

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

- A. An adult oriented business shall be classified as a conditional use and shall be located within and subject to the regulations of the industrial zoning district(s).
- B. An adult oriented business shall be located more than five hundred (500) feet from a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library. For the purpose of this condition measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.
- C. An adult oriented business shall be located more than one hundred (100) 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 five hundred (500) feet from any other lawfully existing adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises devoted to a lawfully existing adult oriented business to the nearest front lot line of the lot or premises on which an adult oriented business may be conducted.
- E. An adult oriented business shall be conducted within a fully enclosed building.
- F. Management personnel shall be present at all times when an adult oriented business is open for operation.
- G. 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.

- H. 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.
- I. An adult oriented business shall comply with all of the signage regulations in this resolution for the zoning district in which it is located.
- J. 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.
- K. An adult oriented business shall comply with such other specific conditions related to the promotion and protection of the public health, safety, and general welfare as determined by the board of zoning appeals.

#### **Section 1402.0 Adult Oriented Businesses: Nonconforming Buildings, Structures, and Uses**

Notwithstanding the provisions of this resolution regarding nonconforming buildings, structures, and uses, a lawfully existing adult oriented business in operation as a conforming use, shall not be rendered a nonconforming use by the subsequent location of a church or place of worship, public or private school, public park or playground, child day care center, governmental office, or public library within five hundred (500) feet, of a residential zoning district boundary or a residential use on a lot within one hundred (100) feet, of such adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.