

Troy Township Zoning Resolution



As Amended to August 17, 2017

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ARTICLE I

GENERAL PROVISIONS

Section 100.0 Title

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

Section 101.0 Jurisdiction

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

Section 102.0 Purpose of Zoning Resolution

This resolution has been enacted in the interest of the public health and safety, in accordance with a comprehensive plan, for all residential and nonresidential property to regulate a building or other structure’s location, height, bulk, number of stories, size, and use; percentage of lot coverage; setback, building lines, sizes of yards, courts, and other open spaces; population density; and uses of land for trade, industry, residence, recreation or other purposes. This resolution has been enacted in the interest of the public convenience, comfort, prosperity or general welfare, in accordance with a comprehensive plan, for all residential and nonresidential property to regulate a building or other structure’s location, setback lines, and use; and uses, of land for trade, industry, residence, recreation, or other purposes. This resolution has been enacted in the interest of the public convenience, comfort, prosperity, or general welfare, in accordance with a comprehensive plan, for nonresidential property only to regulate a building or other structure’s height, bulk, number of stories, and size; percentage of lot coverage; size of yards, courts, and other open spaces; and population density. Any activities permitted and regulated under Chapter 1513 or 1514 of the Revised Code and any related processing activities may be regulated only in the interest of public health or safety. Additional purposes of this resolution are:

- A. To divide the township into zoning districts and to provide uniform regulations for each class or kind of buildings, structures, and uses within such zoning districts.
- B. To regulate the use of buildings and structures in each zoning district and to ensure that appropriate utilities, sewage treatment and water supply facilities, and other matters related to public health and safety are adequately addressed to serve such uses.
- C. To conserve and protect the natural resources of the township, including the supply of groundwater.
- D. To ensure that development is in accord with the capability and suitability of the land to support it.
- E. To provide regulations that advance balanced and orderly growth and development in the township as well as preserve sensitive environmental resources.

Section 103.0 Provisions of Resolution Declared to be Minimum Requirements

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

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

- A. This resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure. However, this resolution shall regulate the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located in accordance with R.C. 519.21 (B).
- B. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to R.C. Section 519.211(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- C. This resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted by this resolution.
- D. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- E. This resolution does not apply with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901., 4903., 4905., 4909., 4921., and 4923. of the Revised Code.

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

The board of township trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, conditional zoning certificates, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the zoning inspector and township clerk, 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 Sunday or a legal holiday, then the act may be done on the next succeeding day which is not Sunday or a legal holiday.

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

“***Legal holiday***” as used in this section means the days set forth in R.C. Section 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 later adoption and the manifest intent is that the general provision prevails.

Section 109.0 Irreconcilable Amendments

If amendments are enacted at the same or different times, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The

fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

Section 110.0 Continuation of Prior Amendment

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

Section 111.0 Effect of Amendment

The amendment of this resolution does not:

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

Section 112.0 Annexed Territory

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

Section 113.0 Severability

If any provisions or regulations of this resolution or an amendment thereof or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions, regulations, applications, or amendments of this resolution which can be given effect without the invalid provision, regulation, application or amendment; and to this end the provisions, regulations, and amendments are severable.

ARTICLE II

DEFINITIONS

Section 200.0 Interpretation of Terms or Words

For the purposes of this resolution, the following rules of interpretation for terms 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. The word “lot” includes the words “plot” or “parcel.”
- G. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

Section 201.0 Words and Terms Defined

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

“Accessory Building” 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; 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.

“Agricultural machinery” means any equipment, or vehicles licensed for farm use, operated in conjunction with agriculture.

“Agricultural tractor” and “traction engine” means any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.

“Airport” means any runway, land area or other facility designed or used either publicly or privately by any person for the landing or taking-off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangars, and other necessary buildings, and open spaces.

“Alteration” (see Structural Alteration) means any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such a building from one location or position to another.

“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.

“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 dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

“Awning” means an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

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

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

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

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

“Building line” – See Setback line.

“Canopy” (attached) means a multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a marquee.

“Canopy” (freestanding) means a multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

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

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

“Cinder” means any residue of coal or wood, etc. after burning; and may include ashes, and concrete building block and slag.

“Club” means a group of people organized for a common purpose to pursue common goals, interests or activities and may be characterized by certain membership qualifications, payment of fees and dues, regular meetings, and construction and bylaws.

“Clubhouse” means a building, or portion thereof, used by a club.

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

“Commercial tractor” means any motor vehicle designed or used for drawing other vehicles and not so constructed as to carry and load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or load thereon, 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 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 within another street or road, and the other end of which terminates in a vehicular turnaround.

“Deck” means a structure, with or without a roof supported by posts that is attached to a building or is freestanding.

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

“Detached dwelling single family home” – see, dwelling single family.

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

“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; space for cooking, bathing and toilet facilities; all of which are used by only one (1) family for residential occupancy.

“Earth shelter 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.

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

“Family” means one (1) or more persons related by blood, adoption, 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.

“Feedlot” means a confined area used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate including accessory structures thereto but not including barns or dairy farm operations.

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

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

“Floor area of a residential building” means the sum of the gross horizontal areas of the several floors of a residential building. All dimensions shall be measured between the exterior faces of walls.

“Floor area of non-residential buildings” means the floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and fitting rooms, and similar areas. All dimensions shall be measured between exterior faces of walls.

“Freezer locker” means an appliance or unit for the storage of frozen food products and ice.

“Freezer locker building” means an enclosed accessory building for the use of individual freezers, freezer lockers and storage of ice.

“Full Cutoff Fixture” means a lighting fixture which allows no light to be emitted above a horizontal plane drawn through the lowest part of the fixture.

“Garage, private” means a detached accessory building or portion of a principal building used for the storage of vehicles and personal property owned and/or operated by the occupants of the principal building or structure.

“Golf course” means a contiguous tract of land under the same ownership for playing golf, improved with tees, greens, fairways, hazards, clubhouse and uses accessory thereto.

“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 other coming into contact with such material or substance and which cannot be handled by routine waste management techniques.

“Height of building” – See Building height.

“Hobbyist Vehicle”/“Collector Vehicle” means any motor vehicle or tractor engine that is of special interest, that has fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector’s item, leisure pursuit, or investment, but not as the owner’s principal means of transportation.

“Home occupation” means an occupation for remuneration conducted on residential property within a residentially zoned district.

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

“Hospital, veterinary” means a building containing accommodations for the diagnosis and

treatment of animals by licensed veterinarians and staff.

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

“Industrialized unit” means a structure as defined in Ohio Revised Code 3701.10 for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62 (a).

“Junk” means scrap or discarded household appliances, furniture, mattresses or bedding, plumbing fixtures, vehicle parts including tires and batteries, metal, iron, steel, rubber, rags, bottles, cans, boxes, cardboard, waste paper, pallets, tin, zinc, aluminum, glass, wood, plastic, porcelain, copper, brass, rope, trash, inoperable or wrecked vehicles and agricultural machinery, and all other discarded items, rubbish or solid waste.

“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, bought or sold.

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

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

“Licensed collector’s vehicle” means a collector’s vehicle, other than an agricultural tractor or traction engine that displays current, valid license tags issued under section 4503.45 of the revised code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

“Licensed Residential Facility” see Ohio Revised Code 5123.19 (A) (5) (a).

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

“Lodge” means the place where members of a local chapter of an association hold their meetings; and, the local chapter itself.

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

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

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

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

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

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

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

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

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

“Lot line, front” means the boundary of a lot which abuts a public or private road.

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

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

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

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

“Manufactured home park” means any lot upon which two (2) or more manufactured homes are located.

“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.

“Mining, quarrying” means the extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1,000) cubic yards or more and the removing thereof from the site with or without processing shall be mining. The only exclusion from this definition shall

be removal of materials associated with construction of a building provided such removal is an approved item in the building permit.

“Minor structures” – See Structures, minor.

“Mobile home” means a structure or non-self propelled vehicle, transportable in one or more sections, which is built on a chassis, and designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, as amended. A “mobile home” does not mean an “industrialized unit,” “manufactured home” or “recreational vehicle” as defined herein. A structure on non-self propelled vehicle as a “mobile home” whether or not axels, 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.

“Motor vehicle” means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when towed on a public road or highway at a speed of twenty-five (25) miles per hour or less, threshing machinery, hay-baling machinery, and agricultural tractors and machinery used in the production of agricultural products.

“Nonconforming use” means the lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of this zoning resolution or amendment thereto.

“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.

“Offensive” means anything repulsive, sickening, rotten, and obnoxious or gives offense.

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

“Outdoor wood-fired boiler (OWB)” see Article VIII, Section 802.1(C).

“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.

“Parties of interest” means all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

“Patio” means any paved area with or without a roof adjoining a building.

“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).

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

“Porch” means any covered shelter for the entrance of a building.

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

“Principal Structure” means the main building, framework or constructed unit on a lot. See also building, principal.

“Private road or street” means a road located within a subdivision which must be platted pursuant to R.C. Chapter 711 and which is not a public road or street.

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

“Professional offices” means offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects and engineers and similar professions.

“Public road or street” means a state, county or township road as defined in R.C. Section 5535.01.

“Public service facility” means the erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structure by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

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

A. Public Service

1. Is there the devotion of an essential good or service to the general public which has a right to demand or receive the good or service?

2. Must the company provide its good or service to the public indiscriminately and reasonably?
3. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?

B. Public Concern

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

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

“Recreational vehicle” means a vehicular portable structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in R.C. 4501.01; all-terrain vehicles (ATVs), snowmobiles, boats and motorcycles.

“Retail food establishment” means any building or structure on a permanent foundation at or in which food or drink is offered or prepared for retail sale or for service with or without charge for consumption on or at the premises or elsewhere.

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

“Roadside stand” means a temporary structure designed or used for the display or sale of agricultural and related products.

“Satellite dish antenna” means any device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a dish, cone, horn or cornucopia. Said device may be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but may not be limited to, what are commonly referred as satellite earth stations, television reception only satellite dish antennas, and satellite microwave antennas.

“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.

“Semi-trailer” means every vehicle designed or used for carrying persons or property with

another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

“Service station” – see gasoline service station.

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

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

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

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

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

“Solid waste” means such unwanted residual solid or semi-solid material as results from industrial operations, including those of public utility companies, and commercial, distribution, research, agricultural, and community operations, including garbage, tires, combustible, noncombustible, or radioactive material, street, dirt, and debris. Solid wastes also include sewage sludge, demolition wastes, and mining residues.

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

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

“Structure, minor” means any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, and arbors. Minor structures are eighty (80) square feet or less, not exceeding ten (10) feet in any dimension and not on a permanent foundation.

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

“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.

“Swimming pool, storable” means a swimming or wading pool with a maximum diameter of eighteen (18) feet and a maximum wall height of forty-two (42) inches and so constructed that it can be readily disassembled for storage and reassembled to its original integrity. A pool with nonmetallic inflatable walls, regardless of its dimensions, is considered to be a storable pool.

“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 suitable 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 Troy Township, Geauga County, Ohio.

“Trailer” means every vehicle designed or used for carrying personal or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a “semi-trailer” and a vehicle of dolly type, such as that commonly known as a “trailer dolly,” and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five (25) miles per hour.

“Truck” means every motor vehicle, except trailers and semi-trailers, designed and used to carry property.

“Trustees” means the Board of Trustees of the township.

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

“Unlicensed vehicle” means any vehicle, motor vehicle, commercial tractor, semi-trailer, trailer, or truck which is not registered with and carrying a current license issued by the Ohio Bureau of Motor Vehicles for use on a public highway.

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

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

“Vehicle sales” means the sale, lease or rental of new or used vehicles, mobile homes 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 (1) dwelling or building, community, or region subject to the approval of health and sanitation officials having jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III

ZONING DISTRICTS AND OFFICIAL ZONING MAP

Section 300.0 Zoning Districts

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

- R-5 Low density residential district
- R-3 Medium density residential district
- B-1 General commercial district
- M-1 General industrial district
- MHP Manufactured Home Park District

Section 300.1 Description of Zoning Districts

Zoning district boundaries shall be construed to follow township boundary lines; lot or property lines, the center lines of streets, highways, or easements; unless otherwise noted on the Official Zoning Map.

Section 301.1 Official Zoning Map

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

The official township zoning map shall be identified by the signature of the township trustees and attested to by the township clerk together with the date of its adoption and the effective date.

Section 301.1 Location of Official Zoning Map

The official township zoning map shall be located in the office of the township clerk, 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.

Section 301.2 Amendments to the Official Zoning Map

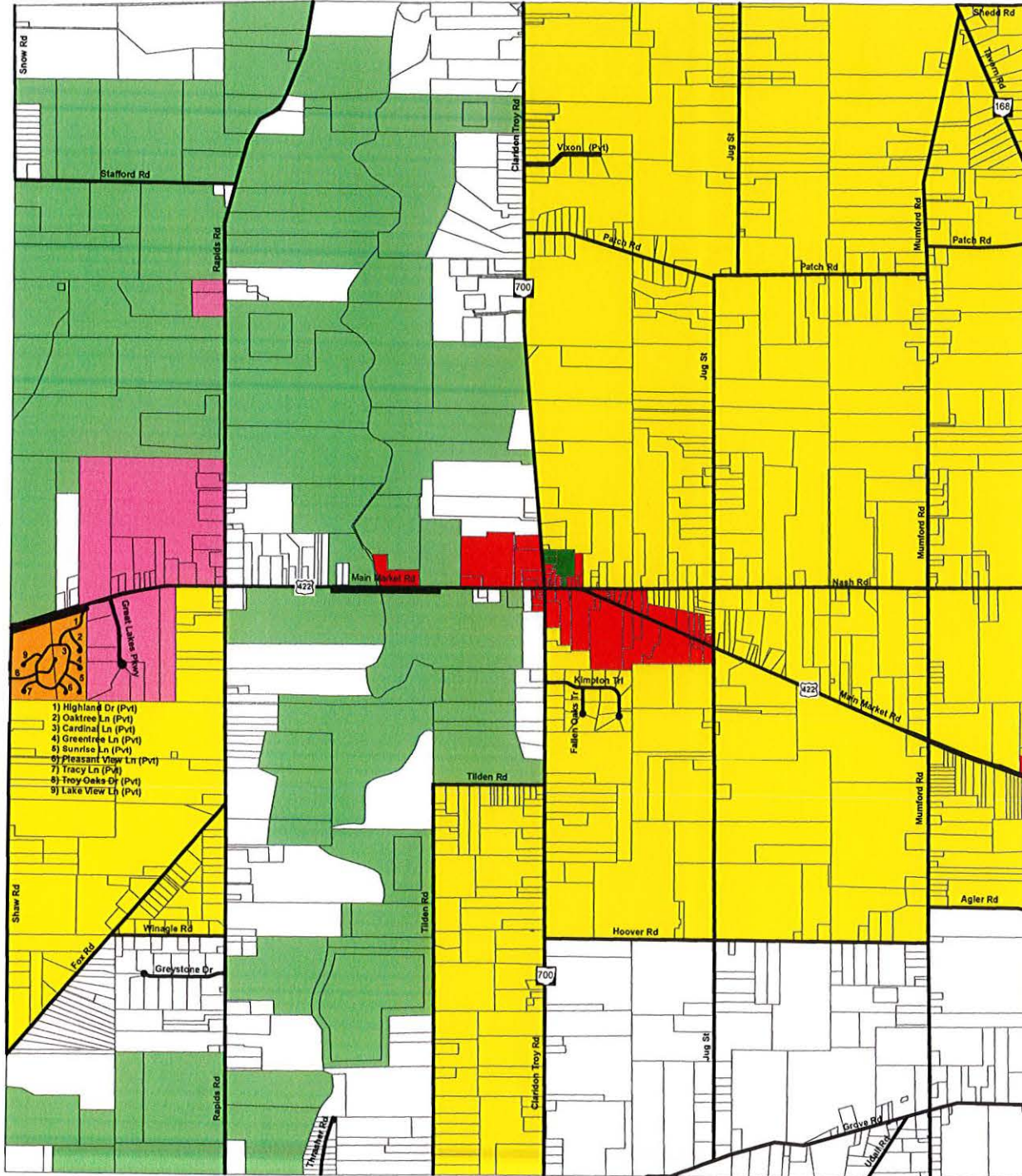
No amendments shall be made to the official township zoning map except in conformity with the procedure set forth in Article XII of this resolution.

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

Burton Township

Auburn Township

Parkman Township



PORTAGE COUNTY

Hiram Township

Zoning Districts

- R-3: Residential (3 acres)
- R-5: Residential (5 acres)
- MHP: Manufactured Home Park
- B-1: General Commercial
- M-1: General Industry
- P-1: Passive Park
- P-2: Active Park

Troy Township Zoning Map



Prepared By: Geauga County Planning Commission, 1992.
 Revised: March 1998, November 2000, November 2011,
 October 2012, May 2013.
 Lot Lines and Roads updated January 2013, March 2016.

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

Amendment No. 2013-1 to the Zoning Map as Hereby Adopted by the Troy Township Board of Trustees the 2nd Day of May, 2013.

Gerald Mitchell
 Enos A. DeWeller
 Kenneth Zwolinski

Effective the 1st Day of June, 2013.

Deborah Brun, Fiscal Officer

Lot Lines and Roads Updated this 17th Day of

MAY 2016

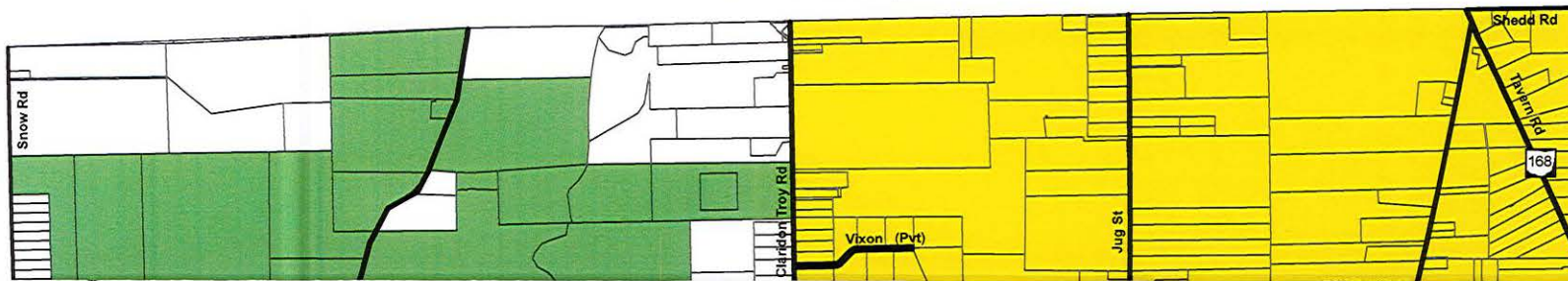
Edward A. Barcikowski
 Edward A. Barcikowski, Trustee

Gerald Mitchell
 Gerald Mitchell, Trustee

Kenneth Zwolinski
 Kenneth Zwolinski, Trustee

Kate Barcikowski
 Kate Barcikowski, Fiscal Officer

Burton Township



- R-3: Residential (3 acres)
- R-5: Residential (5 acres)
- MHP: Manufactured Home Park
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Troy Township Zoning Map



Prepared By: Geauga County Planning Commission, 1992.
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 Lot Lines and Roads updated January 2013, March 2016.

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

Ernos A. Detweiler
 Kenneth Zwolinski

Effective the 1st Day of June, 2013.

Deborah Brun, Fiscal Officer

Lot Lines and Roads Updated this 17th Day of

MAY, 2016

Leonard A. Barcikowski
 Leonard A. Barcikowski, Trustee

Gerald Mitchell
 Gerald Mitchell, Trustee

Kenneth Zwolinski
 Kenneth Zwolinski, Trustee

Kate Barcikowski
 Kate Barcikowski, Fiscal Officer

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 on adjoining roads or lots shall be prohibited. Flashing lights shall be prohibited.
- C. Mobile homes shall be prohibited.
- D. No junk or junk vehicles, as defined herein, shall be located outside a fully enclosed building or structure.
- E. Junk yards and the storage of junk or burial of junk shall be prohibited.
- F. Automotive wrecking shall be prohibited.
- G. Manufactured home parks shall be prohibited outside of the manufactured home park district.
- H. Landfills for the burial of solid waste shall be prohibited.
- I. 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, cinder, 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.

- J. Parking any vehicle, motor vehicle, truck, trailer, recreational vehicle, commercial tractor, or semi-trailer any closer than twenty-five (25) feet from the side or rear lot line, or within the front yard setback for the zoning district in which the lot is located, or in front of the principal structure or building on a lot shall be prohibited unless it is parked within a parking area, driveway or turnaround pursuant to Article VI. Agricultural machinery and agricultural tractors in operable condition shall be exempt from this regulation.
- K. In any zoning district, except the B-1 and M-1 zoning district, parking vehicles, motor vehicles, trucks, trailer, or semi-trailers with a gross vehicle weight rating greater than twenty-five (25) thousand pounds and commercial tractors shall be prohibited. Provided, however, such vehicles involved with making temporary services or delivery calls and agricultural machinery shall be exempt from this regulation.
- L. Mining shall be prohibited.
- M. Ammonium nitrate product manufacturing, petroleum product or byproduct production, metal forging and/or metal raw material production, and asphalt manufacturing and/or distribution, handling, storage, assembly, fabrication, packing, and/or testing of products from raw materials or previously prepared materials that are noxious, dangerous, or offensive by reason of emission of odor, dust, smoke haze, noise, flame or vibration shall be prohibited.
- N. The storage, incineration, or burial of asphalt, pesticides, garbage, refuse and hazardous waste or chemicals shall be prohibited.
- O. Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21.

Section 402.0 Residential Districts

Section 402.1 Permitted Principal Buildings, Structures and Uses

- A. Cemeteries
- B. Churches
- C. Governmental Offices
- D. Police and fire stations
- E. Public parks owned or leased by a political subdivision or the State of Ohio.
- F. Schools
- G. Single family detached dwellings, including industrialized units and manufactured homes subject to the regulations set forth in Section 402.17. There shall be no more than one, single family detached dwelling on a lot.
- H. Licensed residential facilities subject to the regulations set forth in Section 402.18

Section 402.2 Accessory Buildings, Structures & Uses

Section 402.2.1 Permitted Accessory Buildings, Structures, and uses in Residential Districts (which are on the same lot with and incidental or subordinate to the principal permitted building or use). A Zoning Permit is Required.

Must meet all minimum yard requirements unless otherwise indicated.

- A. Wind system devices, in accordance with Section 402.6 and 402.12
- B. Fences and walls in accordance with the following regulations:
 - 1. Fences and walls shall be erected outside of the right of way of any public or private road.
 - 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 - 3. Fences and walls shall not be unsafe or be in danger of falling.
 - 4. A property owner may locate a fence up to his property line, so long as it conforms to items 1 thru 3 above.
- C. Private garages designed and used for the storage of vehicles and personal property owned and/or operated by the occupants of the principal building or structure.
- D. Signs in accordance with Article VII.
- E. Swimming pools, exclusive of portable swimming pools, in accordance with the following regulations:
 - 1. A swimming pool shall be used solely for the enjoyment of the occupants of the principal use, or their guests, of the property on which it is located.
 - 2. A swimming pool, being defined as a permanent structure, must meet all requirements of a permanent structure as defined in R-3 and/or R-5 districts.
 - 3. A swimming pool shall be completely enclosed by a security fence or wall terminating at least six (6) feet above grade level and erected between 10 and 50 feet of the edge of the pool.
- F. Storage buildings (over 80 square feet) designed and used for the storage of tools and equipment owned by the occupants of the principal building or structure not to exceed 700 square feet per acre to a maximum of 3,500 square feet.
- G. Tennis, basketball, and volleyball courts of regulation size or larger.
- H. Temporary Manufactured Home

The location of a temporary manufactured home on a lot with an existing dwelling on it may be permitted where the zoning inspector finds that special circumstances or conditions exist such as a fire or similar event 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 systems for temporary manufactured home have been approved by the applicable governmental authority. The zoning certificate for a temporary manufactured home shall be valid for a period not to exceed 365 consecutive days from the date of issuance by the zoning inspector. Said zoning certificate shall not be renewed or reissued. Prior to or upon the date of the expiration of the zoning certificated, the temporary manufactured home shall be completely removed from the lot and shall not be relocated upon it.

I. Freezer Locker Building

1. There shall be no more than (1) freezer locker building on a lot.
2. The maximum size of a freezer locker building shall be 400 square feet.
3. The minimum yard setbacks shall be in accordance with Section 402.6(B) in the R-3 Residential District and Section 402.12(B) in R-5 Residential District.
4. The minimum off-road parking area shall be 400 square feet, it shall be constructed with all-weather surface, and it shall not be located within the minimum setbacks specified in sub-paragraph number 3.
5. There shall be no exterior signage.
6. A freezer locker building shall be in compliance with all of the other applicable regulations for the zoning district in which it is located, including: minimum lot area, minimum lot frontage and width, maximum building height, maximum lot coverage, and exterior lighting.
7. A freezer locker building shall be a permanent structure used only for the storage of personal food and ice. It shall not be used for the storage of items for retail sales or for a profit making venture.
8. If any of the freezer lockers are leased, an executed copy thereof shall be provided to the Troy Township Zoning Inspector.
9. Upon the permanent termination of the use of any freezer lockers, they shall be removed from the building and lot and the use thereof shall be in accordance with the applicable provisions of this resolution then in effect.

Section 402.2.2 Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with and incidental or subordinate to the principal permitted building or

use) in the Residential Districts; No Zoning Permit is required unless otherwise indicated herein.

Buildings, structures and uses denoted with * must meet all minimum setback requirements. All buildings, structures, and uses must meet all other zoning regulations, unless otherwise indicated, except minimum setback requirements.

- A. Awnings or canopies over windows and doors.
- *B. Chimneys
- C. Flagpoles
- D. Mailboxes and Newspaper tubes
- E. Off-street parking spaces in accordance with Article VI
- *F. Minor structures
- G. Ornamental and security lighting fixtures
- H. Sanitary and drinking water facilities
- I. Student bus shelters
- J. Swing Sets
- K. Radio, television and satellite dish antennas in accordance with Section 402.7 and 402.13.
- L. Farm markets, provided that fifty (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.
- M. Porches, patios, and decks with or without a roof.
- N. Lakes and pond
 - 1. Shall be designed and built per the most current dated United States Department of Agriculture (USDA) Natural Resource Conservation Services (NRCS) standards, and the Ohio Revised Code Section 1521 Ohio Dam Safety Laws, if applicable.
 - 2. Location: Ponds or lakes shall be a minimum of 100 feet from septic system lines leach beds, and duplication fields. Ponds or lakes shall be located at least fifty (50) feet from any lot line.
- O. "Invisible (underground) Fences" as used in training dogs to property boundaries that consist of buried wired transmitter tuned to a dog collar. Must meet all regulations for Section 402.2.1B.

Section 402.3.0 *Conditional Buildings, Structures and Uses in Residential Districts*

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

- A. Home Occupations
 - 1. Home occupations includes an accessory use which is an activity, profession, occupation, service, craft or revenue enhancing hobby which is clearly incidental and subordinate to use of the lot as a dwelling and residence, and is conducted entirely within the dwelling

unit, or an accessory building, without any adverse effect upon the surrounding neighborhood.

2. Conditions for Home Occupations:

- a. A home occupation may be established only within a dwelling unit or an accessory building. Only one (1) home occupation may be established on a lot.
- b. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five percent (25%) of the total usable floor area of a dwelling unit, not to exceed two hundred and seventy-five (275) square feet, shall be used in the conduct of a home occupation. Usable floor area of a dwelling unit shall be determined by measuring its interior dimensions, in accordance with Section 402.8 for R-3 District or 402.16 for the R-5 District.
- c. An Accessory Building for a Home Occupation shall not exceed the lesser of the square footage of the principal dwelling unit or not to exceed 700 square feet per acre to a maximum of 3,500 square feet and must conform to all regulations of the zoning district in which it is located, including lot coverage restrictions.
- d. There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance Article VII.
- e. Off-street parking spaces shall be provided in accordance with Article VI.
- f. The minimum width of a driveway for ingress and egress to an occupation shall be ten (10) feet. Such driveway shall be constructed with an all-weather surface.
- g. The dwelling unit or accessory building in which a home occupation is conducted shall conform with all the regulations for the zoning district in which it is located.
- h. No more than one (1) person, other than the occupants of the premises may be employed or engaged in a home occupation.
- i. Articles not produced on the lot must be stored in the dwelling unit or the accessory building containing the home occupation.
- j. A home occupation shall be owned or operated by the owner of the property or his/her immediate family.
- k. Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities for a home occupation.

B. Golf Courses

1. Conditions for Golf courses

- a. There shall be provided a minimum lot area of one hundred (100) acres for a nine hole and one hundred and sixty (160) acres for an eighteen-hole golf course.
- b. A minimum of eight (8) off-street parking spaces shall be provided per each green. The facility shall provide sufficient off-street parking to accommodate all employees and users of the facility. Except as otherwise provided in this section, off-street parking shall be provided in accordance with Article VI, Section 601.0.
- c. A buffer zone of not less than thirty (30) feet in depth shall be required between the road right-of-way and the parking lot. A buffer zone of not less than one hundred (100) feet in width shall be required between side and rear lot lines and parking lot and shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition and shall comply with Article VI, Section 600.0 Item I.
- d. Where driveways are required to provide accessibility to the parking spaces, such driveways shall have an unobstructed width of at least twenty-four (24) feet, and shall, together with parking spaces, be properly graded for drainage, so that all the water is drained within the parking lot. Such driveways shall be surfaced with concrete, asphaltic concrete, asphalt or other similar hard-all weather surfacing materials and shall be maintained in good condition, free of all debris and trash.
- e. The driveways used to provide accessibility to such golf courses shall be located to arrange to minimize traffic congestion. Therefore:
 1. The center line of such driveway shall be at least thirty (30) feet from the right of way line and the nearest intersecting street where the driveways and the nearest intersecting street are on the same side of the street.
 2. The minimum width of such driveway shall be twenty-four (24) feet and the maximum width shall be thirty (30) feet measured at right angles to the angle of the driveway entrance. Such driveway shall have an apron with a radius of six (6) feet at the curb or edge of pavement to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.
 3. The driveways from the highway to the clubhouse or parking area shall be surfaced with concrete, asphaltic concrete, asphalt or other similar hard all weather surface.
 4. The driveway to a parking lot shall be a minimum of one hundred (100) feet in length measured from the perpendicular to the edge of the road right-of-way before allowing ingress and egress to and from a parking lot.
- f. In the absence of existing barriers such as creeks, public roads, wooded areas or sufficient open space, evergreens, being a minimum four (4) feet in height at the time of planting shall be provided for protection to adjoining property usage. Barbed wire fences are prohibited for this purpose.

- g. Design and or use as a golf course shall comply with the following conditions:
1. The edge of a green shall be set back at least one hundred (100) feet from the center line of any public road or any adjoining property line. The center line of a fairway starting from a tee nearer than one hundred (100) feet to a road or adjoining property line shall be at an angle of not less than forty-five (45) degrees to the road or adjoining property line.
 2. Watering greens, fairways, and trees shall be done with the use of surface water only.
 3. Disposal of water and sewage related to golf course shall meet the standards set by the Geauga County General Health District and/or the Ohio and United States Environmental Protection Agencies.
 4. All lighting on a golf course shall be located and or shielded so as not to pose a hazard to vehicles on any road or a nuisance to nearby property owners, and shall be in compliance with 402.19.
 5. Approval by the Geauga Soil and Water Conservation District is required concerning erosion, sedimentation, and storm water runoff before construction of a golf course begins.
 6. Dry hydrants, meeting all specifications of the Troy Township Fire Department, and designed and installed in accordance with the most current standards of the National Fire Protection Association, are required in any permanent water retention ponds.
- h. The following accessory uses are allowed on the same lot as a golf course and are subject to the conditions provided herein.
1. A clubhouse which may contain amenities customarily associated with such a use including lockers, showers, health baths, snack bar, or restaurant facilities.
 2. A pro-shop for retail sale of merchandise, customarily associated with such use.
 3. Accessory structures for the storage and servicing of equipment needed for the operation of a golf course.
 4. Accessory recreational facilities including a driving range, paddle or handball courts, and fishing.
 5. An accessory swimming pool, not exceeding fifteen hundred (1,500) square feet in area and an accessory wading pool not exceeding five hundred (500) square feet in area. All pools shall be completely enclosed with a security fence at least six (6)

feet above grade level and erected between ten (10) and fifty (50) feet of the edge of the pool.

6. Tennis facilities not to exceed ten thousand (10,000) square feet in area.
 - i. The maximum building height shall be thirty-five (35) feet. Buildings, structures, and uses shall conform to all the regulations for the zoning districts in which they are located unless otherwise specified herein.
 - j. The minimum setback requirement of a building or structure shall be two hundred and eighty (280) feet from the center line of a public road and one hundred (100) feet from any other lot line.
 - k. The construction of the clubhouse and the required off street parking spaces shall be completed within two (2) years and at least nine holes of the golf course within three (3) years from the date of the issuance of the conditional zoning certificate.

Section 402.4 Minimum Lot Area R-3 Residential District

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

Section 402.5 Minimum Lot Frontage and Width R-3 Residential District

- A. The minimum lot frontage and width shall be two hundred and fifty (250) feet, except for lots located on a permanent cul-de-sac road turnaround.
- B. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot frontage shall be sixty (60) feet at the front lot line and two hundred and fifty (250) feet of width at the building front setback line.

Section 402.6 Minimum Yard Setbacks R-3 Residential District

- A. The minimum yard setbacks for all buildings, structures, and uses, except accessory buildings, structures, and uses shall be as follows:
 1. Front yard setback: 75 feet
 2. Each side yard setback: 25 feet
 3. Rear yard setback: 45 feet
- B. The minimum yard setbacks for all accessory buildings, structures, and uses except as otherwise provided in Section 402.2.2 shall be as follows:
 1. Front yard setback: 75 feet

2. Each side yard setback: 25 feet
3. Rear yard setback: 35 feet

Section 402.7 Maximum Height R-3 Resident District

- A. The maximum height of all buildings, structures, and uses except listed in paragraph B herein shall be 35 feet or 2 ½ stories, whichever is lesser.
- B. Special maximum heights
 1. Belfries, church spires, clock towers, cupolas, chimneys and flagpoles: no maximum height limitation.
 2. Radio and/or television antennas shall not exceed ten (10) feet in height above the roof line if attached to a building or structure, or forty-five (45) feet if mounted in the ground. Satellite dish antennas shall be permitted in the R-3 district if thirty-nine (39) inches (3.3 feet or 1 meter) or less in diameter. Satellite dish antennas shall be in the rear yard if larger than thirty-nine (39) inches in diameter.

Section 402.8 Maximum Lot Coverage R-3 Residential District

The maximum lot coverage shall be 10 percent.

Section 402.9 Minimum Floor Area R-3 Residential District

- A. The minimum floor area for a single story dwelling unit shall be 1,100 square feet.
- B. The minimum floor area for a multi-story dwelling unit shall be:
 1. The first floor shall be 800 minimum square feet.
 2. The second floor shall be 400 minimum square feet.
 3. The third floor shall be 400 minimum square feet.

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

Section 402.10 Minimum Lot Area R-5 Residential District

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

Section 402.11 Minimum Lot Frontage and Width R-5 Residential District

- A. The minimum lot frontage and width shall be 350 feet, except for lots located on a permanent cul-de-sac road turnaround.

- B. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot frontage shall be 60 feet at the front lot line and 350 feet of width at the building front setback line.

Section 402.12 Minimum Yard Setbacks R-5 Residential District

- A. The minimum yard setbacks for all buildings, structures, and uses, except accessory buildings, structures, and uses shall be as follows:
1. Front yard setback: 100 feet
 2. Each side yard setback: 30 feet
 3. Rear yard setback: 50 feet
- B. The minimum yard setbacks for all accessory buildings, structures, and uses except as otherwise provided in Section 402.2.2 shall be as follows:
1. Front yard setback: 100 feet
 2. Each side yard setback: 30 feet
 3. Rear yard setback: 40 feet

Section 402.13 Maximum Height R-5 Residential District

- A. The maximum height of all buildings, structures, and uses except those listed in paragraph B herein shall be 35 feet or 2 ½ stories, whichever is lesser.
- B. Special Maximum Heights
1. Belfries, church spires, clock towers, cupolas, chimneys and flagpoles: no maximum height limitation.
 2. Radio and/or television antennas shall not exceed ten (10) feet in height above the roof line if attached to a building or structure, or forty-five (45) feet if mounted in the ground. Satellite dish antennas shall be permitted in the R-5 district if thirty-nine (39) inches (3.3 feet or 1 meter) or less in diameter. Satellite dish antennas shall be in the rear yard if larger than thirty-nine (39) inches in diameter.

Section 402.14 Maximum Lot Coverage R-5 Residential District

The maximum lot coverage shall be 10 percent.

Section 402.15 Minimum Floor Area R-5 Residential District

The maximum lot coverage shall be 10 percent.

Section 402.16 Minimum Floor Area R-5 Residential District

- A. The minimum floor area for a single story dwelling unit shall be 1,100 square feet.
- B. The minimum floor area for a multi-story dwelling unit shall be:
 - 1. The first floor shall be 800 minimum square feet.
 - 2. The second floor shall be 400 minimum square feet.
 - 3. The third floor shall be 400 minimum square feet.

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

Section 402.17 Manufactured Homes in the Residential Districts

Manufactured homes shall conform to all of the following requirements.

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

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 402.18 Licensed Residential Facilities

[R.C. 5123.19 (A) (5)(a)] in Residential Districts

- A. Requirements for a licensed residential facility as defined in R.C. 5123.19 (A) (5)(a) and which is operated pursuant to R.C. 5123.19(O) shall include the following:
1. The area, height, and yard setback requirements for the residential district in which it is located shall be met.
 2. Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided to the zoning inspector.
 3. There shall be no more than one detached licensed residential facility on a lot.

Section 402.19 Exterior Lighting in Residential Districts

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

Section 402.20 Fire Protection Ponds for Subdivisions in Residential Districts

A platted subdivision containing 5 or more total sublots, or a building or group of buildings on a lot containing more than 10,000 square feet of gross floor area, shall include a pond for fire protection constructed by the owner in accordance with the standards and specifications of the Troy Township Fire Department. The pond shall include the installation of a dry hydrant. The dry hydrant shall be installed in accordance with the standards and specifications of the Troy 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 Troy Township Fire Department have been met for the design and installation of the fire protection pond, the dry hydrant, and access thereto. If the platted subdivision is phased, the fire-protection pond and dry hydrant shall be constructed within the first phase. A Fire protection pond shall be at least ¼ acre in size and at least 6.5 feet deep. The owner shall submit a plan and record the appropriate instrument to permit access by firefighting and emergency vehicles and for perpetual maintenance of the pond and dry hydrant.

Section 402.21 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.

Section 403.0 B-1 General Commercial District

In order to provide for the development of small retail and services establishments to serve the daily shopping and service needs of the growing township population in an orderly, safe, and attractive manner and within easy and convenient distance of residential areas within the Township, the B1 General Commercial Zone is established according to the following regulations

Section 403.1 Permitted Principal Building, Structures, and Uses

A. Retail business establishments limited to:

1. Retail stores or shops for the conducting any retail business or service;
2. Business, professional or government offices and office buildings;
3. Banks, savings and loan association;
4. Retail food establishments;
5. Automobile sales and service facilities;
6. Theaters;
7. Governmental structures;
8. Clubs, lodges, and fraternities;
9. Single family dwellings, subject to all requirements of the R-3 District
10. Storage facilities
11. Service establishments limited to the following:
 - a. Tailors, dressmaking or sewing
 - b. Barbers and beauticians
 - c. Dry cleaning, laundries and Laundromats
 - d. Carpet and upholstery cleaning

- e. Shoe, leather, watch, clock, lamp, camera, radio, television, and appliance repair
- f. Photo and art studios
- g. Photocopying and printing
- h. Travel bureaus
- i. Picture framing
- j. Interior decorating
- k. Custom signs and lettering
- l. Locksmiths, alarm and security systems
- m. Caterers
- n. Electrical, plumbing, heating and painting contractors

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

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

Section 403.3 Conditional Buildings, Structures, and Uses

A. Residences in commercial structures, subject to the following:

- 1. Off-street parking shall be provided at the rate of two (2) parking spaces per each dwelling unit in addition to the commercial parking requirements;
- 2. A minimum of 1,000 square feet of lot area shall be provided for use and enjoyment for each dwelling unit located within the structure;
- 3. Dwelling units shall provide an average of 1,000 square feet of floor space per family.

B. Hospitals and Veterinary Hospital

- 1. Conditions for hospitals and veterinary hospitals.
 - a. A hospital or veterinary hospital shall conform with all of the regulations for the B-1 zoning district.
 - b. The number of off-street parking spaces shall be in accordance with Article VI.

- c. Signs shall be in accordance with Article VII.

C. 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 B-1 zoning district.
 - c. The number of off-street parking spaces shall be in accordance with Article VI.
 - d. Signs shall be in accordance with Article VII.

D. Nursing Homes

Conditions for nursing homes.

- a. A nursing home shall conform with all the regulations for the B-1 zoning district.
- b. The number of off-street parking spaces shall be in accordance with Article VI.
- c. Signs shall be in accordance with Article VII.

E. Gasoline Service Stations

Recognizing that gasoline service stations for the servicing, repairing, and fueling of automobiles present peculiar hazards to traffic movement and safety as well as potential hazards of fire, noxious or offensive fumes, odors and noise, but at the same time recognizing that such uses may be desirable within the Township to serve the objectives of the General Commercial Zone and the convenience of the residents if developed with due regard for the impact of such uses may be made for any land within a General Commercial Zone within the Township and accordance with the following standards and requirements:

- 1. Uses shall be limited to the sale of motor fuels, the sale of new auto accessories, parts, storage, routine repair, and maintenance operations, exclusive of major body repair and painting.
- 2. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for gasoline service stations customers as necessary and incidental to principal operations.
- 3. Provision of road maps and other informational material to customers; and the provision of restroom facilities.
- 4. Maximum lot coverage shall not exceed thirty (30) percent.

5. The proposed use shall have a street frontage of not less than two hundred (200) feet on each street which abuts the lot.
6. Driveways and access roads shall be located not less than one hundred (100) feet from any intersection. Such driveways shall not exceed thirty (30) feet in width at the point of intersection with the street pavement and the centerlines of such driveways shall not be less than sixty (60) feet apart. Not more than two (2) such driveways shall be permitted to each street which abuts the property.
7. Such uses shall be located so as to front on at least one (1) street which is US 422 or SR 700 within the Township. Location of such uses so that the only access is from streets which are designed and used for residential traffic shall not be permitted.
8. All gasoline and fuel storage tanks shall be located not less than fifty (50) feet from any lot line.
9. All other storage, repair, lubrication, washing, and similar operations, shall be within an enclosed building.
10. Automobile truck, trailer parking or storage, except short-term parking for customer vehicles and delivery vehicles, shall be within an enclosed building.
11. Waste disposal facilities shall have a setback not less than fifty (50) feet from any lot line and shall be screened from adjacent properties. Incineration facilities shall not be allowed.
12. A buffer strip not less than twenty-five (25) feet in width or in accordance with Article 403.6 C, shall be provided adjacent to the entire boundary of the lot, except those areas utilized for driveways and access road, which shall be suitably landscaped and maintained in good order to protect adjacent properties, maintain the character of the surrounding area, and prevent uncontrolled automobile access. Such landscaping shall not interfere with or obstruct the vision and visibility of vehicles entering or leaving the premises.
13. Gasoline pumps and pump islands shall be set back fifty (50) feet from any adjacent lot line, and seventy-five (75) feet from any front lot line.
14. Other yard setback requirements for all buildings and structures shall be as follows:
 -The front yard setback shall be not less than seventy-five (75) feet
 -The rear yard setback shall be not less than seventy-five (75) feet, except that if such rear yard abuts a residential zone, the rear yard shall include a buffer zone in accordance with 403.6 C.
 -No side yard setback shall be less than twenty-five (25) feet or in accordance with Article 403.6 C.
15. Maximum height requirement shall be set forth in section 402.7.

16. All driveways, access roads, parking areas, and vehicle maneuvering areas shall be paved in durable, dustless, all-weather pavement, shall be adequately drained to the requirements of GCSWCD. Adequate screening and shielding shall be provided pursuant to Article 401.0 B to protect adjacent uses from the glare of illumination and from that of vehicle headlights pursuant to Article 405.13.

17. Signs shall be in accordance with Article VII.

F. Vehicle Sales Lots

Conditions for vehicle sales lots.

1. No vehicles shall be parked within any required yard setback area.
2. No vehicle shall be parked for display within 100 feet of the road right-of-way.
3. The number of off-street parking spaces shall be in accordance with Article VI.
4. Signs shall be in accordance with Article VII.
5. A vehicle sales lot shall conform with all of the regulations for the B-1 zoning district.
6. All driveways, access roads, parking areas, and vehicle maneuvering areas shall be paved in durable, dustless, all weather pavements, shall be adequately drained, and shall be illuminated adequately during the night time business hours in which the use is in operation. Adequate screening and shielding shall be provided to protect adjacent uses from the glare of such illumination and from that of vehicle headlights.

G. Golf Courses (pursuant to Article IV, section 402.3 item B, (page 24)

Section 403.4 Minimum Lot Area

The minimum lot area shall be 3 acres.

Section 403.5 Minimum Lot Frontage and Width

- A. The minimum lot frontage and width shall be 250 feet, except for lots located on a permanent cul-de-sac road turnaround.
- B. For any lot located on a permanent cul-de-sac road turnaround the minimum lot frontage shall be 60 feet at the front lot line and 250 feet of width at the building front setback line.

Section 403.6 Minimum Yard Setbacks

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

1. Front yard setback: 75 feet
 2. Each side yard setback: 25 feet
 3. Rear yard setback: 75 feet
- B. The minimum yard setbacks for all accessory buildings, structures and uses, except as otherwise provided in Section 402.2.2, shall be as follows:
1. Front yard setback: 75 feet
 2. Each side yard setback: 25 feet
 3. Rear yard setback: 75 feet
- C. Buffer Zone

A buffer zone of not less than 100 feet in width (side or rear) shall be required wherever a residential districts 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.

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

Section 403.7 Maximum Height

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

Section 403.8 Maximum Lot Coverage

- A. The maximum lot coverage shall be 30 percent.
- B. The maximum floor area for a principal building shall be 15,000 square feet.
- C. The total square footage of all accessory buildings shall not exceed 20% of the size of the principal structure.

Section 404.0 M-1 Industrial District

Section 404.1 Permitted Principal Buildings, Structures, and Uses.

- A. General light industrial uses which shall be carried on in a completely enclosed building and which includes the storage, manufacture, assembly, fabrication, packing, testing or other handling of products from raw materials and from other previously prepared materials.

B. Single family dwellings subject to all requirements of the R-5 District.

Section 404.2 Accessory Buildings, Structures and Uses

Section 404.2.1 Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with, and of a nature customarily incidental or subordinate to the principal permitted building, structure, or use). A Zoning Permit is Required.

Must meet all minimum setback requirements unless otherwise indicated.

- A. Off-street parking facilities pursuant to Article VI.
- B. Signs pursuant to Article VII.
- C. Dining facilities or cafeterias for employees only.
- D. Recreational facilities for employees only.
- E. Retail business or service incidental to the principal permitted use with sufficient separate off-street parking facilities.
- F. Wind system devices, in accordance with Section 402.6 and 402.12.
- G. Fences and walls in accordance with the following regulations:
 - 1. Fences and walls shall be erected outside of the right of way of any public or private road.
 - 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 - 3. Fences and walls shall not be unsafe or be in danger of falling.
 - 4. A property owner may locate a fence up to his property line, so long as it conforms to items 1 through 3 above.
- H. Garages designed and used for the storage of motor vehicles owned and/or operated by the occupants of the principal building or structure.
- I. Storage buildings (over 80 square feet) designed and used for the storage of tools and equipment owned by the occupants of the principal building or structure not to exceed 500 square feet per acre to a maximum of 2,500 square feet.

Section 404.2.2 Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with and incidental or subordinate to the principal permitted building or use); No Zoning Permit is required.

Buildings, structures and uses denoted with * must meet all minimum setback requirements. All buildings, structures, and uses must meet all other zoning regulations, unless otherwise indicated, except minimum setback requirements.

- A. Awnings or canopies over windows and doors.
- *B. Chimneys
- C. Flagpoles
- D. Mailboxes and Newspaper tubes
- *E. Minor structures
- F. Ornamental and security lighting fixtures
- G. Sanitary and drinking water facilities
- H. Radio, television and satellite dish antennas in accordance with Section 402.7 and 402.13.

- I. Porches, patios, and decks with or without a roof.
- J. Lakes and pond
 - 1. Shall be designed and built per the most current dated United States Department of Agriculture (USDA) Natural Resource Conservation Services (NRCS) standards, and the Ohio Revised Code Section 1521 Ohio Dam Safety Laws, if applicable.
 - 2. Location: Ponds or lakes shall be a minimum of 100 feet from septic system lines, leach beds, and duplication fields. Ponds or lakes shall be located at least fifty (50) feet from any lot line.
- K. “Invisible (underground) Fences” as used in training dogs to property boundaries that consist of buried wired transmitter tuned to a dog collar must meet all regulations for Section 402.2.1B.

Section 404.3 *Minimum Lot Area*

The minimum lot area shall be 5 acres.

Section 404.4 *Minimum Lot Frontage and Width*

- A. The minimum lot frontage and width shall be 350 feet, except for lots located on a permanent cul-de-sac road turnaround.
- B. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot frontage shall be 60 feet at the front lot line and 350 feet of width at the building front setback line.

Section 404.5 *Minimum Yard Setbacks*

See also 404.12 and 404.13

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

C. Buffer Zone

A buffer zone of not less than 100 feet in width, (side or rear) 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.

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

Section 404.6 Maximum Height

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

Section 404.7 Maximum Lot Coverage and Maximum Floor Area

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

Section 404.8 Conditional Building, Structures, and Uses

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

A. Golf Courses pursuant to Article IV, Section 402.3, section B.

Section 404.9 Minimum Distance Between Buildings

The minimum distance between building on the same lot shall be 40 (forty) feet.

Section 404.10 Exterior Lighting

Exterior lighting fixtures shall be installed in accordance with Section 402.19

Section 404.11 Fire Protection Ponds

A fire protection pond shall be constructed on a lot in accordance with Section 402.20.

Section 404.12 Exterior Display or Sales Areas

Exterior display or sales areas for goods and merchandise shall be a minimum of 100 (one hundred) feet from any lot line and a minimum of 50 feet from any side and a minimum of 100 (one hundred)

feet for rear lot lines. Exterior sales or display areas for good and merchandise shall not be located within any off-street parking spaces, loading/unloading spaces or driveways on a lot.

Section 404.13 Exterior Storage Areas

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 100 (one hundred) feet from any front lot line and a minimum of 50 (fifty) feet from any side or rear lot lines, unless otherwise specified in this resolution. Exterior trash receptacles or dumpsters shall be fully screened and shall not be located in the front of any principal building on a lot or in any front yard. Exterior trash receptacles or dumpsters shall be a minimum of 50 (fifty) feet from any side and a 100 (one hundred) feet rear lot lines.

Section 404.14 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.

Section 405.0 Manufactured Home Park District (MHP)

Section 405.1 General Requirements

A. All of the regulations enacted by any agency of the State of Ohio pursuant to Chapter 4781 of the Ohio Revised Code are hereby made a part of this resolution.

Section 405.2 Permitted Principal Buildings, Structures, and Uses

- A. Manufactured Homes
- B. Manufactured home park office
- C. Manufactured home park storage building

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

- A. Off-street parking spaces in accordance with Article VI.
- B. Private garages or car ports designed and used for the storage of vehicles owned and/or operated by the occupants or the principal building or structure.
- C. Radio, television, or dish antenna in accordance with Sections 402.7 and 402.13.
- D. Recreation facilities, in accordance with Section 405.19.

- E. Signs in accordance with Article VII, shall be the same as regulated in the residential zoning district.
- F. Storage building designed and used for the storage of tools and equipment owned by the occupants of the principal building or structure.
- G. Sanitary and drinking water facilities.
- H. Buildings, structures and uses in Section 402.2.

Section 405.4 Prohibited Buildings, Structures, and Uses

Mobile Homes

Section 405.5 Conditional Buildings, Structures, and Uses

None

Section 405.6 Minimum Lot Area

- A. The minimum lot area for manufacture home park shall be twenty-five (25) acres.
- B. The minimum lot area for each lot in a manufactured home park shall be in accordance with the regulations set for in the Ohio Administrative Code.

Section 405.7 Minimum Lot Frontage

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

Section 405.8 Minimum Lot Width

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

Section 405.9 Minimum Yard Setbacks

- A. The minimum yard setbacks for a manufactured home park shall be as follows:
 - 1. Front yard setback: 100 feet
 - 2. Each side yard setback: 50 feet

3. Rear yard setback: 50 feet

B. The minimum yard setbacks for each lot in a manufactured home park for all buildings, structures, and uses, including accessory buildings, structures, and uses, shall be in accordance with the requirements set forth in the Ohio Administrative Code.

Section 405.10 Maximum Height

Same as section 402.7.

Section 405.11 Maximum Lot Coverage

None

Section 405.12 Minimum Floor Area

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

There shall be no minimum floor area requirement for all other principal permitted buildings and structures or permitted accessory buildings and structures.

Section 405.13 Buffer Zone

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

All buffer zones abutting residential districts along the side or rear shall be appropriately screened by fences, walls or landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences and wall shall be a minimum height of four (4) feet and a maximum of six (6) feet.

Section 405.14 Interior Roads

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

All interior roads shall be reviewed and approved by the Township Zoning Inspector for access control.

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

Section 405.15 Utilities

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

Section 405.16 Garbage Collection

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

Section 405.17 Sewage and Water Facilities

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

Section 405.18 Recreation Area

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

Section 405.19 Fire Protection

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

Section 405.20 Site Plan

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

Section 406.0 P-1 Passive Park Purpose

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

Section 406.1 Principal Permitted Buildings, Structures, and Uses

- A. Blinds, decks, and platforms for nature observation
- B. Cross country skiing and snowshoeing
- C. Interpretive centers for educational purposes
- D. Non-vehicular trails for bicycles, hiking, skiing, and horseback riding
- E. Ponds or lakes for fishing and boating

Section 406.2 Permitted Accessory Buildings, Structures, and Uses

- A. Administrative offices
- B. Bicycle racks
- C. Fences
- D. Maintenance buildings for the storage of equipment and materials
- E. Off-street parking in accordance with article VI.
- F. Outdoor lighting
- G. Receptacles for trash
- H. Restroom facilities
- I. Signs in accordance with article VII.
- J. Storm water detention or retention facilities
- K. Water supply wells and sewage treatment systems

Section 406.3 Prohibited Buildings, Structures, and Uses

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

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

Section 406.4 Minimum Lot Area

The minimum lot area shall be 50 acres.

Section 406.5 Minimum Lot Frontage

The minimum lot frontage shall be 1,000 feet.

Section 406.6 Minimum Lot Width

The minimum lot width shall be 1,000 feet.

Section 406.7 Minimum Yards (Setbacks) for Permitted and Accessory Buildings, Structures and Uses

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

Section 406.8 Maximum Lot Coverage

The maximum lot coverage shall be 25 percent.

Section 406.9 Minimum Distance Between Buildings on Same Lot

The minimum distance between buildings on the same lot shall be 50 feet. The minimum distance between buildings on the same lot shall be measured in a straight line from the exterior wall or foundation of a building to the nearest exterior wall or foundation of another building.

Section 406.10 Maximum Height of Permitted and Accessory Buildings and Structures

The maximum height of permitted and accessory buildings and structures shall be 35 feet.

Section 406.11 Maximum Floor Area

- A. The maximum floor area of a principal permitted building shall be 2,500 square feet.
- B. The maximum floor area of a permitted accessory building shall be 2,500 square feet.

Section 406.12 Minimum Buffer Zone

- A. There shall be a minimum buffer zone of 1,000 feet within the P-1 District, where the P-1 District boundary is contiguous with any Residential District boundary as shown on the most current adopted version of the official township zoning map.
- B. There shall be no buildings, structures, or uses and there shall be no off-street parking areas, driveways, or signs in the buffer zone.

Section 406.13 Exterior Lighting

Exterior lighting shall be in accordance with section 402.19.

Section 407.0 P-2 Active Park Purpose

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

Section 407.1 Principal Permitted Buildings, Structures, and Uses

- A. Outdoor ball fields and dugouts and games including hardball, softball, soccer, football, lacrosse, rugby, track and field
- B. Outdoor skating rinks

- C. Outdoor tennis, basketball, horseshoe, volleyball, badminton, bocce ball, and shuffleboard courts
- D. Picnic grounds and pavilions
- E. Playgrounds and playground equipment
- F. Swimming pools and pool houses
- G. All of the permitted uses allowed in the P-1 District, section 406.1.
- H. The administrative offices and meeting rooms as well as the township maintenance garage, yard for storage of equipment and materials, and recycling.
- I. Public recreational uses authorized by the board of trustees are permitted.

Section 407.2 Permitted Accessory Buildings, Structures, and Uses

- A. Concession stands
- B. Grandstands for spectators, limited to four (4) rows in height, thirty (30) feet in length, and two (2) per ball field
- C. Outdoor storage of materials
- D. All of the accessory buildings, structures, and uses allowed in the P-1 District, section 406.2.

Section 407.3 Prohibited Buildings, Structures, and Uses

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

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

Section 407.4 Minimum Lot Area

The minimum lot area shall be 5 acres.

Section 407.5 Minimum Lot Frontage

The minimum lot frontage shall be 100 feet.

Section 407.6 Minimum Lot Width

The minimum lot width shall be 350 feet.

Section 407.7 Minimum Yards (Setbacks) for Permitted and Accessory Buildings, Structures and Uses

- A. Minimum front yard: 100 feet
- B. Each side yard minimum: 30 feet
- C. Minimum rear yard: 100 feet

Section 407.8 Maximum Lot Coverage

The maximum lot coverage shall be 25 percent.

Section 407.9 Minimum Distance Between Buildings on Same Lot

The minimum distance between buildings on the same lot shall be 50 feet. The minimum distance between buildings on the same lot shall be measured in a straight line from the exterior wall or foundation of a building to the nearest exterior wall or foundation of another building.

Section 407.10 Maximum Height of Permitted and Accessory Buildings and Structures

The maximum height of permitted and accessory buildings and structures shall be 35 feet.

Section 407.11 Maximum Floor Area

- A. The maximum floor area of a principal permitted building shall be 2,500 square feet.
- B. The maximum floor area of a permitted accessory building shall be 2,500 square feet.

Section 407.12 Minimum Buffer Zone

- A. There shall be a minimum buffer zone of 30 feet within the P-2 District, where the P-2 District boundary is contiguous with any Residential District boundary as shown on the most current adopted version of the official township zoning map.
- B. There shall be no buildings, structures, or uses and there shall be no off-street parking areas, driveways, or signs in the buffer zone.

Section 407.13 Exterior Lighting

Exterior lighting shall be in accordance with section 402.12.

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.

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 owner, the applicant, or his authorized representative, attesting to the truth and accuracy of all information supplied in the application.

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

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

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

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

- J. Two (2) copies of a plan or map drawn to scale, with a north arrow and date showing the following information:
1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 2. The dimensions (in feet) of existing buildings or structures on the property, if any.
 3. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 4. The dimensions (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 6. The setback (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 7. The height (in feet) of existing buildings or structures on the lot.
 8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 9. The name and location of the existing road(s), public and private, adjacent to the lot.
 10. The number of dwelling units existing (if any) and proposed for the lot.
 11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed. The location and dimensions (in feet) of all existing and proposed driveways.
 12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 14. The location and dimensions (in feet) of all buffer zones shall be provided. The landscaping treatment within the buffer zones shall be delineated.
 15. For golf courses, the location and dimensions (in feet) of all tees, fairways, greens, retention ponds and all provided appurtenances thereto shall be provided.
 16. For commercial and industrial uses: The location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.

17. For commercial and industrial uses: The location and dimensions of any exterior display, sales or storage areas on the lot.
 18. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
- K. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
 - L. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
 - M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan.
 - N. The “General Standards for Conditional Uses” listed under section 505.0 may apply and may be required as a part of the application.
 - O. The application fee.

Section 500.2 Transmittal of Application to Board of Zoning Appeals

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

Section 501.0 Meeting of 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 hearing shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.

Section 501.1 Action by Board of Zoning Appeals

- A. Hearings and decisions before the board of zoning appeals shall be conducted in accordance with section 1002.4 of this resolution.

- B. One (1) copy of the plans submitted with the application shall be returned to the applicant by the board of zoning appeals after said copy has been marked either approved or disapproved, dated, and attested to by the signature of the chairman or the secretary of the board of zoning appeals. One (1) copy of the plans so marked shall be retained by the board of zoning appeals for its permanent records.
- C. The date of the signing of the written decision by the board of zoning appeals shall be, the date of entry as provided in 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 shall contain the following conditions, in addition to those specifically required by other sections of this zoning resolution and those required by the board of zoning appeals.

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

Section 504.0 General Standards for Conditional Uses

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

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

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

- A. Adequate parking and loading/unloading spaces in accordance with this resolution shall be provided at the time any building, structure, or use is located, erected, constructed, reconstructed, enlarged, structurally altered, or any use is changed.
- B. All parking and loading/unloading spaces shall be located totally 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.
- F. The owner of the property used for parking and loading/unloading spaces shall maintain such areas in good condition without holes and free of all dust, trash, and other debris.
- G. All parking and loading/unloading spaces intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot or loading/unloading area shall be so arranged as to reflect the light away from the adjoining property or roads.
- H. All parking lots 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 delineated by appropriate directional signage and/or pavement markings. Interior vehicular circulation patterns shall be delineated by appropriate directional signage and/or pavement markings. Driveways providing access to a parking lot and aisles delineating interior circulation patterns within a parking lot shall maintain the following minimum standards:

1. For one 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. There shall be no more than two (2) points of ingress/egress per lot from a road to a parking lot.
- K. Parking and loading/unloading spaces may be located in the minimum front, side, or rear yard of any lot.
- 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 which adjoin or face 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>Minimum Number of Parking Spaces</u>
A. Commercial or Entertainment	
1. Automotive service and repair stations and garages	1 per 2 gas pumps and 2 per service bay
2. Funeral parlors, mortuaries and similar uses	1 per 100 sq. ft. of floor area in slumber rooms, parlors or service rooms.
3. Restaurants, taverns, night clubs and the like	1 per 200 sq. ft. of floor area
4. Bowling alleys	4 per lane plus per 100 sq. ft. restaurant area
5. Dance halls, skating rinks	1 per 100 sq. ft. of floor area
6. Outdoor pools, public or community or club	1 per 5 persons capacity and 1 per 4 seats

7. Auditoriums, arenas, theaters, etc.	1 per 4 seats
8. Retail stores	1 per 250 sq. ft. of floor area
9. Banks and similar uses	1 per 200 sq. ft. of floor area
10. Offices, public or professional administration or service buildings	1 per 400 sq. ft. of floor area
11. Other commercial uses	1 per 300 sq. ft. of floor area
B. Recreational	
1. Passive Parks	1 per 5 acres maximum
2. Active Parks	1 per 5 persons minimum
C. Institutional	
1. Churches, chapels, etc.	1 per 5 seats
2. Hospitals	1 per bed
3. Adult family homes, assisted living, independent living and nursing homes	1 per 2 beds
4. Medical and dental clinics	1 per 200 sq. ft. of floor area
5. Libraries, museums and art galleries	1 per 400 sq. ft. of floor area
D. Schools (public, parochial or private)	
1. Elementary and junior high schools	2 per classroom and 1 per 4 auditorium or assembly hall seats
2. High schools	1 per 10 students and 1 per teacher and employee
3. Business, technical and trade school	1 per student
4. Colleges, universities	1 per 4 students
5. Kindergartens, child care	2 per classroom but no less than 6
E. Manufacturing	
1. All manufacturing, storage and wholesale uses permitted	1 per 2 employees on largest shift and 1 per business vehicle

F. Uses Not Listed

In the case of structure or uses not mentioned, the provision for a use which is similar shall apply.

Combination of any of the above uses shall provide the total of the number of stalls required for each individual use.

Section 602.0 Size of Parking Spaces

The width of a parking space shall be a minimum of 10 feet and the length shall be a minimum of 20 feet. The total area of a parking space shall be a minimum of 200 square feet.

Section 603.0 Number of Loading/Unloading Spaces Required

For commercial and industrial uses permitted by this resolution, one (1) loading/unloading space shall be provided up to 8,000 sq. ft. and one additional per up to 20,000 sq. ft.

Section 604.0 Size of Loading/Unloading Spaces

The width of a loading/unloading space shall be a minimum of 12 feet and the length shall be a minimum of 70 feet. The total area of a loading/unloading space shall be a minimum of 840 square feet.

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

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

Section 606.0 Driveways

- A. A driveway in the residential zoning district(s) shall be setback a minimum of 10 feet from the nearest side and rear lot lines, measured in a perpendicular fashion from the lot line to the edge of the driveway, shall be constructed of a durable all-weather surface, and shall be a minimum of 10 feet.

- B. A driveway in the commercial and industrial zoning districts shall be setback a minimum of 20 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 gravel, concrete or asphalt, and shall be a minimum of 14 feet in width and a maximum of 18 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. Regulations for driveways serving a parking lot shall be in accordance with Section 600.0

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.

ARTICLE VII

SIGNS

Section 700.0 Sign Definitions

A. Types of Signs.

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

B. Designs of Signs.

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

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

Section 701.0 General Requirements for all Signs

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 there from to be directed upon a public or private road or adjacent lots so as to cause glare or reflection that may constitute a traffic hazard, nuisance, or distraction.
2. No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
3. No sign shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window providing access to any fire escape or exit.
4. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.
5. No sign shall be placed within any public right-of-way except governmental signs.
6. Should any sign be or become unsafe, unsightly, obsolete, or be in danger of falling, the owner of the real property upon which the sign is located shall, upon receipt of written notice from the zoning inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.

Section 702.0 Prohibited Signs in all Districts

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.

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 with a maximum area of 8 square feet per sign face, which advertises the sale, lease, or rental of the premises upon which such sign is located.
 2. One (1) real estate development sign per subdivision with a maximum area of 32 square feet per sign face, which advertises the sale of lots in the subdivision upon which such sign is located.
 3. One (1) nameplate sign per lot, dwelling unit, or use with a maximum area of 4 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 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 45 days. 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 right-of-way nor shall any such sign be posted on a utility pole. Temporary signs shall have a maximum area of 10 square feet per sign face.

6. One (1) development sign per subdivision or premises with a maximum area of 32 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 dwelling may be permitted only one (1) of the following signs on the premises: wall, ground or pylon.

a. Wall signs shall have a maximum area of 8 square feet.

b. Ground or pylon signs shall have a maximum area of 8 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 8 square feet.

2. Bulletin board signs shall have a maximum area of 8 square feet.

C. 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)

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 50 square feet.

b. Projecting signs shall have a maximum of 50 square feet per sign face and shall not extend more than 6 feet measured from the face of the building to which such sign is attached.

- c. Marquee signs shall have a maximum area of 50 square feet per sign face and shall not extend more than 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 per lot. Such sign shall not exceed 12 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 40 square feet per sign face.
- B. Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial and industrial zoning districts upon the issuance of a zoning certificate and subject to the following regulations:
1. Bulletin board signs.
 2. Business or professional signs.
 3. Directory signs.

Section 707.0 Signs in a P-1 and P-2 Districts

- A. Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in a P1 or P2 zoning district upon the issuance of a zoning certificate and subject to the following limitations:
1. Each use in a P1 or P2 may be permitted only one (1) of the following signs on the premises: wall, ground or pylon.
 - a. Wall signs shall have a maximum area of 8 square feet.
 - b. Ground or pylon signs shall have a maximum area of 8 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 P1 or P2 zoning district upon the issuance of a zoning certificate and subject to the following limitations:
1. Professional signs shall have a maximum area of 8 square feet.
 2. Bulletin board signs shall have a maximum area of 8 square feet.
- C. No sign shall be illuminated by electricity, gas, or other artificial light, including reflecting light, in any P1 or P2 zoning district.

D. Temporary activity signs are not to exceed 16 square feet.

Section 708.0 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 709.0 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 710.0 Maximum Height Requirements

- A. Projecting, wall, and marquee signs shall not exceed the height of the wall face to which such signs are attached.
- B. Ground or pylon signs shall have a maximum height of 8 feet measured from the average finished grade.

Section 711.0 Minimum Yard Requirements

- A. Ground or pylon signs shall have a minimum setback of 5 feet from the front lot line.
- B. Ground or pylon signs shall have a minimum setback of 25 feet from the side lot lines.

Section 712.0 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 713.0 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 714.0 Billboards

- A. Conditional Zoning Certificate Required.
 - 1. 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. Alterations 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.

2. A billboard shall be classified as a business use and may be allowed in any "B-1" Commercial and "M-1" Industrial district or on lands used for agricultural purposes as defined in this resolution. Minimum lot size shall be that of the zoning district in which the billboard is located. Billboards shall be prohibited in all other zoning districts.

B. Conditions.

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

1. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in one direction. There shall not be more than one (1) billboard structure with a maximum of two (2) sign faces on a lot.
2. A billboard shall be the principal use of the lot on which it is located.
3. The sign face area of a billboard shall be included in determining the maximum allowable signage on a lot for the zoning district in which it is located.
4. Billboards shall be spaced a minimum of 1,000 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 located a minimum of 500 feet from any residential zoning district boundary. The location shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.
6. A billboard shall be located a minimum of 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 location shall be measured from the nearest lot line to the nearest portion of a billboard.
7. A billboard shall be setback a minimum of 50 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 located a minimum of 100 feet from any side lot line. The location shall be measured from the nearest side lot line to the nearest portion of the billboard.

9. A billboard shall be located a minimum of 50 feet from any rear lot line. The location shall be measured from the nearest rear lot line to the nearest portion of the billboard.
10. A billboard shall be located a minimum of 500 feet from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
11. A billboard shall be located a minimum of 500 feet from any building on a lot. The location 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 25 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 400 square feet.
14. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.
15. A billboard projecting over a driveway shall have a minimum clearance of 13 feet, 6 inches (13'6") between the lowest point of the sign and the finished driveway grade.
16. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ lighting of a constant intensity. Flashing, rotating or oscillating lighting shall be prohibited. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device or signal. Lighting fixtures must be of the "cutoff" type that directs all light downward to the advertising surface rather than upward, shielding the light in such a way that the light-emitting portion of the fixture cannot be seen from any public roadway or residence in a residential zoning district. Billboard illumination must not exceed 1,000 watts.
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.

ARTICLE VIII

NONCONFORMING BUILDINGS, STRUCTURES AND USES

Section 800.0 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 801.0 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 802.0 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 803.0 Restoration

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

Section 804.0 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 805.0 *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, enlarged, 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 806.0 *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 807.0 *Nonconforming Lots of Record*

- A. In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area or lot width less than the minimum prescribed herein, which meets all of the following:
 - 1. It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.
 - 2. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.

3. The amount of nonconformity has not been increased since it became nonconforming.
 4. It complies with all other regulations set forth herein, except minimum lot area and minimum lot width.
- B. In any district in which single-family dwellings are permitted, a single-family dwelling or an accessory building may be constructed, erected, reconstructed, enlarged, or altered on a lot of record, which is held in single and separate ownership, and which is nonconforming to the regulations for such district.
- C. In any district in which single-family dwellings are permitted, a single-family dwelling or an accessory building may not be constructed, erected, reconstructed, enlarged, or altered on a lot or lots of record which are held in contiguous single ownership, and which are nonconforming to the regulations for such district, unless and until said lot or lots of record are re-subdivided to conform to the regulations for such district.
- D. No lot or lots of record which are held in contiguous single ownership and which are nonconforming to the regulations for such district shall be sold, assigned, or transferred until such lot or lots of record are re-subdivided to conform to the regulations for such district.

ARTICLE IX
ADMINISTRATION

Section 900.0 Township Zoning Inspector

Section 900.1 Position of the 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.

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 900.2 Zoning Inspector's Bond

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

Section 900.3 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 by this zoning resolution; and, safely keep all documents, including applications, complaints, zoning certificates, reports and inspections which are received, issued or made in connection with his/her duties as zoning inspector. All such records and documents shall be indexed by name, address and date and kept in an orderly fashion and shall be open to public inspection. Copies of any of these records and documents shall be provided to any member of the public upon payment of a copying fee as established by the board of township trustees. None of the records or documents so kept shall be destroyed except upon compliance with R.C. 149.42.
- J. Receive for filing and note the date of filing of notices of appeal to the board of zoning appeals as provided in R.C. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the township zoning inspector.
- K. Upon receipt of a notice of appeal to the board of zoning appeals, the zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- L. Shall safely keep and deposit all fees and monies received by him with the township clerk 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 plans 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 provision of this resolution.

Section 901.0 Township Zoning Commission

Section 901.1 Township Zoning Commission Created

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

Section 901.2 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 902.0 Township Board of Zoning Appeals

Section 902.1 Township Board of Zoning Appeals Created

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

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

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

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

Section 902.2 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 in accordance with this resolution.
- D. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated. The township board of zoning appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under subsection "D" of this section and of his right to a hearing before the township board of zoning appeals, within thirty (30) days of the mailing of this notice if he so requests. If the holder requests a hearing, the township board of zoning appeals shall set a time and place for the hearing and notify the holder. At the

hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the township board of zoning appeals may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

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

Section 902.3 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 absence the acting chairman, may administer oaths, and the board of zoning appeals may compel the attendance of witnesses. All meetings of the board of zoning appeals shall be open to the public. The board of zoning appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of township trustees and be a public record.
- B. The attendance of three (3) members of the board of zoning appeals is required for a quorum. All decisions, motions, and actions of the board of zoning appeals shall be by the affirmative vote of at least three (3) members of the board.

Section 902.4 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 taken within twenty (20) days after the decision of the zoning inspector by filing, with the zoning inspector and with the board of zoning appeals, a notice of appeal specifying the grounds of appeal. The zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- B. Written notices of appeal shall be made on forms provided by the zoning inspector and shall be signed and dated by the appellant or his authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language:

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

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

1. The name, address and telephone number of the appellant.
2. The name, address and telephone number of the owner of record.
3. The address of the property, if different from the appellant's current address.
4. The names and addresses of all parties in interest.
5. Documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease or purchase agreement).
6. A legal description of the lot, as recorded with the Geauga County Recorder.
7. The current zoning district in which the lot is located.
8. A description of the existing use of the lot.
9. A description of the proposed use of the lot.
10. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
 - a. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 - b. The dimensions (in feet) of existing buildings or structures on the lot, if any.
 - c. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 - d. The dimensions (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - e. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - f. The setback (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - g. The height (in feet) of existing buildings or structures on the lot.
 - h. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - i. The name and location of the existing road(s), public and private, adjacent to the lot.

- j. The number of dwelling units existing (if any) and proposed for the lot.
 - k. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 - l. For commercial and industrial uses: The location, dimensions (in feet) and number of loading/unloading spaces.
 - m. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 - n. For commercial and industrial uses: The location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
 - o. For commercial and industrial uses: The location and dimensions of any exterior display, sales, or storage areas on the lot.
 - p. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
11. The number of the application for the zoning certificate.
12. All notices of appeal for signs shall include, at a minimum, the following information:
- a. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date, showing:
 - 1. The dimensions (in feet) of the sign.
 - 2. The area of the sign in square feet.
 - 3. The location of the sign on the building, structure, or property including dimensions (in feet) from the front and side lot lines.
 - 4. The height (in feet) of the sign.
 - 5. The method of illumination, if any.
 - 6. The content of the sign.
13. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his authorized representative relative to the alleged error made by the zoning inspector in his determination of the application for the zoning certificate.
14. For notices of appeal requesting a variance, the appellant or his authorized representative shall provide the following:
- a. A statement relative to the exact nature of the variance requested.

- b. The specific zoning regulation(s) shall be cited from which variance is requested.
- c. Written justification for the variance shall be made by the appellant and the board of zoning appeals shall determine if the proposed variance involves an “area” variance or a “use” variance.
 1. Standards for an, “Area” Variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following:
 - a. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 - b. Whether the variance is substantial.
 - c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 - d. Whether the variance would adversely affect the delivery of governmental services.
 - e. Whether the property owner purchased the property with the knowledge of the zoning restriction.
 - f. Whether the property 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.
 - h. Such other criteria which the Board believes relates to determining whether the zoning regulation is equitable.
 2. Standards for a “Use” Variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following:
 - a. Why the variance from the terms of the zoning resolution will not be contrary to the public interest.
 - b. Because of what special conditions will an unnecessary hardship result from a literal enforcement of the zoning regulations.
 - c. What the unnecessary hardship is which will result from a literal enforcement of the zoning resolution owing to the special conditions set forth in sub-paragraph “b” above.

- d. How the spirit of the zoning resolution will be observed if the variance is granted.
 - e. Why substantial justice will be done if the variance is granted.
15. The appeal fee.
 16. Submit a copy of the culvert pipe permit.
 17. Provide documentation that the appropriate governmental entity has approved the sewage treatment facility to serve the proposed use.
 18. Submit a letter or permit from Geauga SWCD concerning the storm water management and erosion control plan.
- 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 absence the acting chairman of the board of zoning appeals.
 3. A party in interest shall be allowed:
 - a. To present his position, arguments and contentions;
 - b. To offer and examine witnesses and present evidence in support thereof;
 - c. To cross-examine witnesses purporting to refute his position, arguments and contentions;
 - d. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments and contentions;

- e. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
 4. The board of zoning appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.
 5. An accurate record of the proceedings shall be kept and preserved by the board of zoning appeals.
- E. Decisions of the board of zoning appeals shall be in accordance with the following:
1. All decisions shall include conclusions of fact of the board in support of the decision.
 2. A decision of the board and the adoption of conclusions of fact shall be made at a public meeting of the board. The decision and the conclusions of fact of the board shall be in writing and signed at a public meeting of the board by all members voting 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 clerk 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 two (2) days of the signing of the written decision, to the township zoning inspector, the appellant and all parties in interest.
 5. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R.C. Chapter 2506.

ARTICLE X
RESERVED

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;
 - 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.

Section 1100.1 Contents of Application for a Zoning Certificate

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

All applications for zoning certificates shall contain the following language:

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

All completed applications for a zoning certificate shall be submitted to the township zoning inspector and shall include, if applicable, the following information. The township zoning inspector may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution.

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

12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 14. The location and description of any existing and proposed landscaping and buffer areas on the lot.
 15. For commercial and industrial uses: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
 16. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
 17. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
- J. Provide the type and design of any sign(s).
1. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing:
 - a. The dimensions (in feet) of the sign.
 - b. The area of the sign, per sign face, in square feet.
 - c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.
 - d. The height (in feet) of the sign.
 - e. The method of illumination, if any.
 - f. The dimensions of the lettering and/or elements of the matter displayed (e.g. logo).
- K. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
- L. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
- M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The “water management and sediment control” regulations set forth in Article XVI may apply and may be required as a part of the application.
- N. The application fee.

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

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

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

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

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

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

Section 1101.0 Complaints Regarding Violations

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

Section 1102.0 Prohibition Against Violating Zoning Resolution

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this resolution, or any amendment 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 used or is proposed to be used in violation of sections 519.01 to 519.99 inclusive of the Ohio 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.

Such application shall include the following information, if applicable:

- A. The name, address, telephone number, fax number, and email address of the applicant.
- B. The address of the lot, if different from the applicant's current address and ppn.
- C. Describe the present use of the lot.
- D. Describe the present zoning classification of the lot.
- E. The text of the proposed amendment. Proposed new text shall be highlighted and existing text to be deleted shall be shown with strike-through.
- F. The proposed zoning district, if applicable.
- G. A legal description of the lot included in the proposed amendment. The applicant shall be the record title owner of the lot or an executed lease agreement for the affected lot shall be provided and written evidence submitted that the lessee has the owner's consent to make application.
- H. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the lot.
- I. A copy of the official township zoning map with the lots proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable.
- J. A statement relative to the reason(s) for the proposed amendment and how it relates to the township land use plan.

- K. A list of the addresses and PPN's from the county auditor's current tax list of all owners of property within and contiguous and directly across the street from the area to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.
- L. A site plan detailing existing and proposed buildings, structures, and uses on the affected lot(s) and documenting the provision and location(s) of sewage treatment and water supply facilities.
- M. The application fee, as established by resolution of the board of township trustees, to defray the costs of advertising, mailing and other expenses.

Section 1202.0 Submission to Director of Ohio Department of Transportation

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

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

ARTICLE XIII

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

Section 1300.0 Purpose

- A. It is the purpose of this section of the Troy 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. To protect residential districts and land uses from potential adverse impacts of wireless telecommunications towers, antennas and facilities.
 2. To 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. To 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. To consider the public health and safety issues surrounding wireless telecommunications towers and appurtenances.
 5. To protect adjacent lots from potential damage from wireless telecommunications tower failure through proper engineering and careful siting of such structures.
 6. To 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 B-1 and industrial (M-1) districts.

Section 1302.0 Conditional Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged on a lot in any residential district used for lawfully existing nonresidential purposes including public safety departments; schools; churches; parks; or federal, state, township, or county buildings, structures, or uses as a conditional use subject to the approval of the board of zoning appeals pursuant to the procedure set forth in Article V of this resolution and the following conditions as well as the regulations specified in this article.

- A. 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.
- 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 within 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 6 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, fax number, email address, and a telephone number in the event of an emergency. No other signs shall be posted on the site.
- J. A wireless telecommunications tower, equipment shelter, and appurtenances shall not be artificially lighted except to assure safety as may be required by the Federal Aviation Administration (FAA). If lighting is required, white strobe lights shall not be permitted unless no other alternative is allowed by the FAA. Proof of compliance with all FAA criteria shall be required and a copy of the review by the FAA shall be submitted.
- K. The applicant shall submit a plan documenting how the wireless telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.
- L. 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 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 non-feasibility 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 power outage.
- R. The minimum distance between wireless telecommunications towers and facilities shall be 1,250 feet.
- S. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances are discontinued for 60 consecutive days, such facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within 30 days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the conditional zoning certificate for the site shall be revoked following a hearing thereon by the board of zoning appeals. During any period of discontinuance of said telecommunications facility, the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject lot shall at all times be kept in good repair. The board of zoning appeals shall require a cash or surety bond of not less than \$100 per vertical foot from natural grade as part of a conditional zoning certificate to ensure such conditions, including but not limited to the removal of the tower, are met.
- T. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.
- U. Wireless telecommunications towers, antennas, and appurtenances mounted to a building or structure
 - 1. A wireless telecommunications tower, antenna, and appurtenances may be mounted to a lawfully existing building or structure (other than a dwelling) or to a proposed building or structure (other than a dwelling) provided the maximum height of the tower, antenna, or appurtenances shall not exceed two hundred (200) feet above the grade.

2. There shall be no more than one (1) wireless telecommunications tower(s) or antenna(s) mounted on a legally existing building or structure.
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 communications towers, antennas, and appurtenances.

1. The maximum height of a free-standing monopole wireless telecommunications tower, including antenna(s), and appurtenances shall not exceed two hundred (200) feet. The maximum height of a free-standing lattice wireless telecommunications tower, including antenna(s) and appurtenances shall not exceed 200 feet.
2. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances shall be 110% of the height of the tower within any zoning district.
3. The maximum size of an equipment shelter accessory to a 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. Within a residential zone, an equipment shelter shall be completely located below the natural grade of the ground. There shall be no more than one (1) equipment shelter(s) located on a lot in conjunction with wireless telecommunications tower or antenna(s). An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.
4. A free-standing monopole wireless telecommunications tower shall be designed to support the collocation of at least three (3) antenna platforms of equal loading capacity. A free-standing lattice wireless telecommunications tower shall be designed to support the collocation of at least six (6) antenna platforms of equal loading capacity.
5. A wireless telecommunications tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in this section of the zoning resolution.
6. Supports or anchors for any guy wires shall be setback a minimum of 20 feet to the nearest lot line or road right-of-way.

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 the manufactured homes park district and active and passive park districts and no zoning certificate shall be issued therefor.

Section 1304.0 Fees

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

Section 1305.0 Public Utility Exemption

- A. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to R.C. 519.21 (B) (4) (a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- B. In the event a wireless telecommunications tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations set forth herein do not apply when the proposed location of the tower facility is in a non-residentially zoned area of the township. The proponent of such a tower facility must file a written application with the zoning inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a “public utility” for the purpose 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 it’s 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 therefore. Such decision of denial by the zoning inspector may not be a final decision by the township on the issue. Any determination by the zoning inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the board of zoning appeals pursuant to the procedures set forth in this zoning resolution. The decision of the board of zoning appeals shall be the final decision of the township on this issue.
- D. In the event a wireless telecommunications tower and appurtenant facility is proposed to be located in an unincorporated area of the township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this zoning resolution if it meets all of the criteria in 1, 2, and 3 above as follows:
 1. All requirements of Section 1305.0 A through C are met;
 2. The public utility provides both of the following by certified mail:
 - a. Written notice to each owner of property, as shown on the county auditor’s current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
 1. The public utility’s intent to construct the tower; and
 2. A description of the property sufficient to identify the proposed location; and
 3. That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that the provisions of this zoning resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and
 - b. Written notice to the board of township trustees of the information specified in subsection D.2.a of this section; and

3. If the board of township trustees receives notice from 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 send the person proposing to construct the tower written notice that the tower is subject to the regulations of this zoning resolution. The notice shall be sent no later than five (5) days after the earlier of the date the board of trustees first receives such a notice from a property owner or the date upon which a trustee makes an objection-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 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 dimension 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. The water management and sediment control regulations set forth in Article XVI may apply and may be a part of the site plan.

ARTICLE XIV

ADULT ORIENTED BUSINESSES

Section 1400.2 Definitions

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

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

“Adult books, adult novelty store or adult video store” means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas:” or
- (b) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are categorized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

“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:

- 10 percent (10%) or more of the gross public floor area is devoted to adult media.
- 10 percent (10%) 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. An “adult oriented business” includes a “sexually oriented 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 5 percent (5%) or more of its gross public floor area to the sale or rental of 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.

“Covering” means any clothing or wearing apparel, including opaque pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to stimulate the appearance of the anatomical area beneath it.

“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 and includes any of the following:

- (a) The opening or commencement of any Sexually Oriented Business as a new business;
- (b) The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;
- (c) The addition(s) of any Sexually Oriented Business to any other existing Sexually Oriented Business; or
- (d) The relocation of any Sexually Oriented Business.

“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 in another 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 model studio” means any place where a person who appears seminude or who displays specified anatomical areas provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nude Model Studio shall not include”

- (1) A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation.
- (2) A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.

“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” or a **“State of Nudity”** or **“Nude”** means exposing to view the human male or female genitals, pubic area, Vulva, perineum, anus, anal cleft or cleavage, or pubic area with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

“Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.

“Principal business purpose” means forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for consideration whichever is the greater.

“Semi-nudity” or ***“Semi-nude condition”*** or ***“Seminude”*** means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the male or female buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

“Sexual encounter center” means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (a) Physical contact including wrestling or tumbling between persons of the opposite sex; or
- (b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.

“Sexually oriented business” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center. A “sexually oriented business” includes an “adult oriented business.”

“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.

“Substantial enlargement” of a Sexually Oriented business means the increase in floor area(s) occupied by the business by more than twenty-five percent (25%) of the floor area existing on the date this amendment takes effect.

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

Section 1401.0 Location and 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 section 500.0 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. Sexually oriented or adult oriented businesses shall be located only in those areas that are zoned as M-1 district.
- B. No Sexually Oriented Business shall be established within 500 feet of
- (1) A church, place of worship, or building that is primarily used for religious worship and related activities; or a governmental office; or a public library. Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Sexually Oriented Business is conducted, to the nearest portion of the building or structure of a use listed in this subsection.
 - (2) A public or private educational facility, including but not limited to a child day care center, nursery schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities; and from a public park, or playground, or cemetery. For the purposes of determining the distances of 500 feet provided hereinabove, a school includes the school grounds but does not include facilities used primarily for another purpose and only incidental as a school. Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Sexually Oriented Business is conducted, to the nearest lot line the facility of a use listed in this subsection.

- (3) 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.
 - (4) Any permanent structure devoted to a residential use as defined in the Zoning Resolution. Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Sexually Oriented Business is conducted, to the nearest portion of the building or structure of a use listed in this subsection.
 - (5) Any other lawfully existing adult oriented business. For the purpose of this condition, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Sexually Oriented Business is conducted, to the nearest portion of the proposed building or structure of a use listed in this subsection.
- C. Not more than one Sexually Oriented Business shall be established or operated in the same building, structure, or portion thereof, and the floor area of any Sexually Oriented Business in any building, structure, or portion thereof containing a Sexually Oriented business shall not be increased.
 - D. An adult oriented business shall be conducted within a fully enclosed building. Management personnel shall be present at all times when an adult oriented business is open for operation.
 - E. 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.
 - F. 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.
 - G. An adult oriented business shall comply with all of the signage regulations in this resolution for the zoning district in which it is located.
 - H. An adult oriented business shall comply with all conditions 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.
 - I. An adult oriented business shall comply with such other specific conditions related to the promotion and protection of the public health, safety, and morals as determined by the board of zoning appeals.

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

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

**FORMS PERTAINING TO ZONING
CERTIFICATES AND ENFORCEMENT**

APPENDIX I

FORMS

3. The setback (in feet) from all property lines of existing buildings or structures on the property, if any.
4. The dimensions (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
6. The setback (in feet) from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
7. The height (in feet) of existing buildings or structures on the property.
8. The height (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
9. The name and location of the existing road(s), public and private, adjacent to the property.
10. The number of dwelling units existing (if any) and proposed for the property.
11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
13. The location and dimensions (in feet) of any existing or proposed easements on the property.

J. Provide the type and design of any sign(s)

1. Attach two (2) copies of a drawing, drawn to scale and dated, showing the following information:
 - a. The dimensions (in feet) of the sign.
 - b. The area of the sign (per sign face) in square feet.
 - c. The location of the sign on the building, structure, or property including dimensions (in feet) from the front lot line(s).
 - d. The height (in feet) of the sign.

If Application **Dis**approved, Reasons for Disapproval: _____

I hereby acknowledge the receipt of this application for a zoning certificate this _____ day
of _____ 19 ____.

Signature of Township Zoning Insp.

FORM NO. 3

NOTICE OF VIOLATION

TROY TOWNSHIP

Date: _____

TO:

You are hereby advised that you are in violation of article _____, section _____, paragraph _____ of the _____ Township Zoning Resolution.

The nature of the violation is as follows:

You are further informed that unless this violation is corrected or otherwise made to comply by _____, 19 ____, the appropriate legal action will be taken and you will be subject to the penalty as provided by the _____ Township Zoning Resolution and the Ohio Revised Code.

Signature of Township Zoning Insp.

Address

Telephone Number

FORM NO. 5

REVOCATION OF ZONING CERTIFICATE

TROY TOWNSHIP

Date: _____

TO:

You are hereby advised that zoning certificate number _____ issued on _____, 19 _____ is hereby revoked and declared null and void.

Said certificate has been revoked for the following reason(s):

Further use of the buildings, structures, or premises shall cease until a valid zoning certificate has been obtained.

Signature of Township Zoning Insp.

Address

Telephone No.

**FORMS PERTAINING TO CONDITIONAL ZONING
CERTIFICATES AND APPEALS**

FORM NO. 7

APPLICATION FOR A CONDITIONAL ZONING CERTIFICATE

TROY TOWNSHIP

The undersigned hereby applies for a conditional zoning certificate for the following described use, said certificate to be issued by the township zoning inspector on the basis of the information contained within this application.

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

A. Name of Applicant: _____

Address of Applicant: _____

Telephone Number of Applicant: _____

B. Name of Owner of Record: _____

Address of Owner of Record: _____

Telephone Number of Owner of Record: _____

C. Address of the Property: _____
(if different from applicant's current address)

D. Attach the names and addresses of all parties in interest from the County Auditor's current tax list (all properties adjacent to and directly across the street from the subject property).

E. Attach documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement).

F. Attach a legal description of the property, as recorded with the Geauga County Recorder.

G. Provide the current zoning district in which the property is located: _____

H. Provide a description of the existing use of the property: _____

I. Provide a description of the proposed use of the property: _____

I hereby acknowledge that I understand that 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.

I hereby consent to the inspection of the subject property and of any buildings or structures to be constructed thereon by the township zoning inspector during construction and within thirty (30) days from the completion of any buildings or structures.

I hereby acknowledge that I understand that if 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, said conditional zoning certificate shall be revoked by the township zoning inspector, unless otherwise specified in the Troy Township Zoning Resolution.

Applicant's Signature

Date

.....
FOR OFFICIAL USE ONLY

Application Number: _____

Conditional Zoning Certificate Number: _____

Date Application Received: _____

Amount of Fee Paid: \$ _____

Date of Public Hearing: _____

Date of Notice to Parties in Interest: _____

Date of Notice of Hearing in Newspaper: _____
(provide name of newspaper)

Date of Action on Application: _____

Date Conditional Zoning Certificate Issued: _____

I hereby acknowledge the receipt of this application for a conditional zoning certificate this _____ day of _____ 19 ____.

Signature of Township Zoning Inspector

FORM NO. 8

NOTICE OF PUBLIC HEARING TO NEWSPAPER

APPLICATION FOR CONDITIONAL ZONING CERTIFICATE

TROY TOWNSHIP

Notice is hereby given that the _____ Township Board of Zoning Appeals will conduct a public hearing on an application for a conditional zoning certificate on the _____ day of _____, 19 ____ at _____ o'clock ____ m. at _____.

This application, submitted by _____ requests that: _____

(provide summary of application)

be granted for the property located at _____
(address)

Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Publish: (provide date)

FORM NO. 10

CONDITIONAL ZONING CERTIFICATE

Troy TOWNSHIP

No. _____

ISSUED TO: _____

ADDRESS OF APPLICANT: _____

ADDRESS OF PROPERTY (if different from above): _____

ZONING CLASSIFICATION: _____

DESCRIPTION OF USE: _____

EXPIRATION DATE OF CERTIFICATE: _____

Signature of Township Zoning Insp.

Date

NOTE: THIS CERTIFICATE MUST BE POSTED ON THE PROPERTY.

FORM NO. 12

NOTICE OF APPEAL

(REQUESTING A VARIANCE)

TROY TOWNSHIP

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

A. Name of Appellant: _____

Address of Appellant: _____

Telephone Number of Appellant: _____

B. Name of Owner of Record: _____

Address of Owner of Record: _____

Telephone Number of Owner of Record: _____

C. Address of the Property: _____
(if different from Appellant's current address)

D. Attach the names and addresses of all parties in interest from the County Auditor's current tax list (all properties adjacent to and directly across the street from the subject property).

E. Attach documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease, or purchase agreement).

F. Attach a legal description of the property, as recorded with the Geauga County Recorder.

G. Provide the current zoning district in which the property is located: _____

H. Provide a description of the existing use of the property: _____

I. Provide a description of the proposed use of the property: _____

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

1. The dimensions (in feet) of all property lines and the total acreage of the property.
2. The dimensions (in feet) of existing buildings or structures on the property, if any.

L. Provide **the** following additional information:

1. State **the** exact nature of the variance requested: _____

2. Provide the specific zoning regulations from which a variance is requested: _____

3. Written justification for the requested variance shall be made. If the request is for a "use" variance, responses to the following questions shall be provided:

a. Why will the variance from the terms of the zoning resolution not be contrary to the public interest? _____

b. Because of what special conditions will an unnecessary hardship result from a literal enforcement of the zoning resolution? _____

c. What is the unnecessary hardship which will result from a literal enforcement of the zoning resolution owing to the special conditions set forth in paragraph (b) above? _____

d. How will the spirit of the zoning resolution be observed if the variance is granted?

e. Why will substantial justice be done if the variance is granted?

I hereby certify that all of the information supplied in this application and attachments hereto are true and correct to the best of my knowledge, information, and belief.

I hereby acknowledge that I understand that 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.

Appellant's Signature

Date

.....

FOR OFFICIAL USE ONLY

Application Number: _____

Zoning Certificate Application Number: _____

Date Notice Filed with Zoning Inspector: _____

Date Notice Filed with Board of Zoning Appeals: _____

Date of Notice to Parties in Interest: _____

Date of Notice in Newspaper: _____
(provide name of newspaper)

Date of Public Hearing: _____

Amount of Appeal Fee Paid: \$ _____

I hereby acknowledge receipt of this notice of appeal requesting a variance this _____ day
of _____ 19 ____.

Signature of Chairman or Secretary
of Township Board of Zoning Appeals

FORM NO. 14

NOTICE OF PUBLIC HEARING TO PROPERTY OWNER
(ZONING APPEAL REQUESTING A VARIANCE)

TROY TOWNSHIP

Date:

TO:

Dear

This is to inform you that the _____ Township Board of Zoning Appeals will hold a public hearing on an application for an appeal requesting a variance on the _____ day of _____, 19 ____ at _____ o'clock ____m. at _____.

This application, submitted by _____ requests that

(provide summary of application)

be granted for the property located at _____
(address)

Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Date

3. The **setback** (in feet) from all property lines of existing buildings or structures **on** the **property**, if any.
 4. The **dimensions** (in feet) of proposed buildings or structures on the property or **of** any **addition** or structural alteration to existing buildings or structures.
 5. The **total** amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 6. The **setback** (in feet) from all property lines of proposed buildings or structures on the **property** or of any addition or structural alteration to existing buildings or structures.
 7. The **height** (in feet) of existing buildings or structures on the property.
 8. The **height** (in feet) of proposed buildings or structures on the property or **of** any **addition** or structural alteration to existing buildings or structures.
 9. The **name** and location of the existing road(s), public and private, adjacent **to** the **property**.
 10. The **number** of dwelling units existing (if any) and proposed for the property.
 11. The **location**, dimensions (in feet), and number of parking spaces existing (if **any**) and proposed.
 12. For commercial and industrial uses: the location, dimensions (in feet), and **number** of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements **on** the **property**.
- K. For an appeal alleging error relative to sign regulations, provide the following information:
1. Attach two (2) copies of a drawing, drawn to scale and dated, showing the following information:
 - a. The dimensions (in feet) of the sign.
 - b. The area of the sign (per sign face) in square feet.
 - c. The location of the sign on the building, structure, or property including dimensions (in feet) from the front lot lines.
 - d. The height (in feet) of the sign.
 - e. The method of illumination, if any.
 - f. The content of the sign.



FOR OFFICIAL USE ONLY

Application Number: _____

Zoning Certificate Application Number: _____

Zoning Certificate Number: _____

Date Notice Filed with Zoning Inspector: _____

Date Notice Filed with Board of Zoning Appeals: _____

Date of Notice to Parties in Interest: _____

Date of Notice in Newspaper: _____
(provide name of newspaper)

Date of Public Hearing: _____

Amount of Appeal Fee Paid: \$ _____

I hereby acknowledge the receipt of this notice of appeal alleging error by the zoning inspector
this _____ day of _____ 19 ____.

Signature of Chairman or Secretary
of Township Board of Zoning Appeals

FORM NO. 17

NOTICE OF PUBLIC HEARING TO NEWSPAPER
APPEAL ALLEGING ERROR BY TROY
TOWNSHIP ZONING INSPECTOR

Notice is hereby given that the _____ Township Board of Zoning Appeals will conduct a public hearing on an application on an appeal alleging error by the _____ Township Zoning Inspector on the _____ day of _____, 19 ____ at _____ o'clock ____ m. at _____.

This application, submitted by _____ requests that: _____

(provide summary of application)

be granted for the property located at _____ (address)

Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Publish: (provide date)

TROY TOWNSHIP BOARD OF ZONING APPEALS
FINDINGS OF FACT RELATING TO APPEAL FOR VARIANCE

NO. _____
(Year)

At a public meeting held by the _____ Township Board of Zoning Appeals on _____, 19____, _____ moved and _____ seconded the motion to adopt the following findings of fact:

1. _____, appellant, is seeking (a use) (an area) variance from Article(s) _____, Section(s) _____ of the _____ Township Zoning Resolution.

2. The real property is located at _____ in the _____ zoning district of _____ Township. (street address)

3. The public hearing on this matter was held by the Board on: _____ (date)

4. Appellant claims entitlement to a variance because (note: attach additional sheets as necessary): _____

5. The following facts are relevant to the matter before this Board (note: attach additional sheets as necessary): _____

FORM NO. 17C

TROY

TOWNSHIP BOARD OF ZONING APPEALS

DECISION RELATING TO APPEAL FOR VARIANCE

NO. _____ - _____
(Year)

At a public meeting held by the _____ Township Board of Zoning Appeals on _____, 19____, _____ moved and _____ seconded the motion to (grant) (deny) the appeal for (a use) (an area) variance number _____ - _____ for the real property located at _____ filed by _____, appellant.
(street address)

Upon a call of the roll, the vote was as follows:

	<u>Yes or No</u>
_____ Member, Board of Zoning Appeals	_____
_____ Member, Board of Zoning Appeals	_____
_____ Member, Board of Zoning Appeals	_____
_____ Member, Board of Zoning Appeals	_____
_____ Member, Board of Zoning Appeals	_____

Attested to by: _____
(Chairman) (Secretary) Board of Zoning Appeals

Date

FORMS PERTAINING TO
ZONING AMENDMENTS

J. Attach a **statement** relative to the reason(s) for the proposed amendment and how it relates to the **township** land use plan.

K. Provide a **list** of the addresses from the county auditor's current tax list of all owners of property **within** and contiguous and directly across the street from the area proposed to be rezoned **or** redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer **parcels** of land as listed on the county auditor's current tax list.

I hereby **certify** that all of the information supplied in this application and attachments hereto are true and **correct** to the best of my knowledge, information and belief.

I hereby **acknowledge** that I understand that 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**.

Applicant's Signature

Date

.....

FOR OFFICIAL USE ONLY

Application Number: _____

Date Application Received: _____

Date of Submission to County Planning Commission: _____

Date of Public Hearing: _____

Dates, time and place of public examination: _____

Date of Notice to Property Owners: _____

Date of Notice in Newspaper: _____
(provide name of newspaper)

Date of Submission to Board of Township Trustees: _____

Amount of Fee Paid: \$ _____

I hereby **acknowledge** the receipt of this application for a zoning amendment this _____ day of _____, 19 ____.

Signature of Chairman or Secretary
of Township Zoning Commission

FORM NO. 20

MOTION TO INITIATE AMENDMENT

TO TROY TOWNSHIP ZONING RESOLUTION

AND ZONING MAP

R. C. 519.12 (A)

_____ moved the adoption of the following motion:

That an amendment to the _____ Township Zoning Resolution of _____ pages, marked Exhibit _____ and attached hereto and incorporated herein as though fully rewritten, and an amendment to the _____ Township Zoning Map marked Exhibit _____ and attached hereto and incorporated herein, be hereby initiated by the _____ Township Zoning Commission this _____ day of _____, 19 ____.

_____ seconded said motion. Upon the roll being called, the vote of the members of the zoning commission was as follows:

<u>Member</u>	<u>Yes or No</u>
_____ (Signature)	_____
_____ (Signature)	_____
_____ (Signature)	_____
_____ (Signature)	_____
_____ (Signature)	_____

Attested to by:

Secretary, Township Zoning Commission

Date

FORM NO. 22

RESOLUTION TO INITIATE AMENDMENT

TO TRDY TOWNSHIP ZONING RESOLUTION

AND ZONING MAP

R. C. 519.12 (A)

_____ moved the adoption of the following resolution:

That an amendment to the _____ Township Zoning Resolution of _____ pages, marked Exhibit _____ and attached hereto and incorporated herein as though fully rewritten, and an amendment to the _____ Township Zoning Map marked Exhibit _____ and attached hereto and incorporated herein, be hereby initiated by the _____ Township Board of Trustees this _____ day of _____, 19 ____.

_____ seconded said motion. Upon the roll being called, the vote of the members of the board of township trustees was as follows:

<u>Trustee</u>	<u>Yes or No</u>
_____ (Signature)	_____
_____ (Signature)	_____
_____ (Signature)	_____

Attested to by:

Township Clerk

Date

FORM NO. 24
MOTION TO SET DATE
FOR PUBLIC HEARING ON
PROPOSED AMENDMENT TO
TOWNSHIP ZONING RESOLUTION
R. C. 519.12 (A) or (E)

The _____ Township (Board of Township Trustees) (Zoning Commission),
Geauga County, Ohio, met in _____ session on the _____ day of _____, 19 ____,
at _____ with the following members present:

_____ moved the adoption of the following motion:

That the _____ Township (Board of Township Trustees) (Zoning
Commission) conduct a public hearing on the proposed amendment to the _____
Township Zoning Resolution as attached hereto on the _____ day of _____, 19 ____, at
_____ o'clock ____ m. at the _____.

_____ seconded the motion and the roll being called, the vote of the
_____ Township (Board of Township Trustees) (Zoning Commission) was as follows:

<u>Member</u>	<u>Yes or No</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FORM NO. 25

NOTICE OF PUBLIC HEARING

ON (MOTION) (RESOLUTION) (APPLICATION)

PROPOSING TO AMEND

THE TROY TOWNSHIP ZONING RESOLUTION

R. C. 519.12 (C)

Notice is hereby given that the _____ Township Zoning Commission will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment to the _____ Township Zoning Resolution at the _____ at _____ o'clock ___m. on _____, 19 ____.

The addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the county auditor's current tax list are:

The present zoning classification of property named in the proposed amendment is _____.

The proposed zoning classification of property named in the proposed amendment is _____.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the _____ from _____ o'clock ___m. to _____ o'clock ___m. from _____, 19 ____ through _____, 19 ____.

After the conclusion of the public hearing the matter will be submitted to the board of township trustees for its action.

Name of person responsible for giving notice of public hearing

FORM NO. 26

NOTICE OF PUBLIC HEARING

ON (MOTION) (RESOLUTION) (APPLICATION)

PROPOSING TO AMEND

THE TROY TOWNSHIP ZONING RESOLUTION

R.C. 519.12 (D)

Notice is hereby given that the _____ Township Zoning Commission will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment to the _____ Township Zoning Resolution at the _____ at _____ o'clock ___m. on _____, 19__.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the _____ from _____ o'clock ___m. to _____ o'clock ___m. from _____, 19__ through _____, 19__.

After the conclusion of the public hearing, the matter will be submitted to the board of township trustees for its action.

Name of person responsible for giving notice of public hearing

Publish: _____, 19__

NOTE: This notice should be used only if the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list.

The date of the public hearing shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of the resolution or the date of adoption of the motion or the date of the filing of the application.

This notice of publication shall be given by the township zoning commission by one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of the hearing.

The motion, resolution, or application proposing to amend the zoning resolution must be available for examination for a period of at least ten (10) days prior to the public hearing.

FORM NO. 28

RECOMMENDATION OF
TOWNSHIP ZONING COMMISSION
CONCERNING PROPOSED AMENDMENT
TO ZONING RESOLUTION
R. C. 519.12 (E)

The _____ Township Zoning Commission, Geauga County, Ohio met in
_____ session on the _____ day of _____, 19____, at _____ with the
following members present:

_____ moved the adoption of the following motion:

That the _____ Township Zoning Commission recommend the (approval)
(denial) of the proposed amendment to the _____ Township Zoning Resolution as
attached hereto

or

That the _____ Township Zoning Commission recommend the approval of the
following modification to the proposed amendment to the _____ Township Zoning
Resolution as attached hereto:

(set forth modification)

_____ seconded the motion and the roll being called the
vote of the _____ Township Zoning Commission was as follows:

Member	Yes or No
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FORM NO. 29

SUBMISSION OF RECOMMENDATION
OF TOWNSHIP ZONING COMMISSION
ON PROPOSED AMENDMENT TO ZONING
RESOLUTION TOGETHER WITH (RESOLUTION)
(MOTION) (APPLICATION) TEXT, AND MAP
PERTAINING THERETO AND THE
RECOMMENDATION OF THE COUNTY
PLANNING COMMISSION TO THE BOARD
OF TOWNSHIP TRUSTEES
R. C. 519.12 (E)

The _____ Township Zoning Commission hereby submits the attached recommendation on the proposed amendment to the _____ Township Zoning Resolution together with the attached (resolution) (motion) (application), text, and map pertaining thereto and the attached recommendation of the Geauga County Planning Commission to the _____ Township Board of Township Trustees this _____ day of _____, 19____.

_____ Township Zoning Commission

Member

Member

Member

Member

Member

Attested to by:

Secretary, Township Zoning Commission

Received by _____ Township Board of Township Trustees this _____ day of _____, 19____.

Township Clerk

NOTE: This notice should be used only if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.

The date of the public hearing shall not be more than thirty (30) days from the date of the receipt of the recommendation from the township zoning commission.

This notice of public hearing shall be given by the board by one (1) publication in one (1) or more newspapers of general circulation in the township, at least ten (10) days before the date of the hearing.

The motion, resolution, or application proposing to amend the zoning resolution must be available for examination for a period of at least ten (10) days prior to the public hearing.

FORM NO. 32

(ADOPTION) (DENIAL) (ADOPTION OF MODIFICATION)
OF RECOMMENDATIONS OF ZONING COMMISSION
BY BOARD OF TOWNSHIP TRUSTEES
R. C. 519.12 (H)

The _____ Township Board of Township Trustees, Geauga County, Ohio met in _____ session on the _____ day of _____, 19____, at _____ with the following members present:

_____ moved the adoption of the following resolution:

WHEREAS, on the _____ day of _____, 19____, the board of township trustees received a recommendation from the township zoning commission on a proposed amendment to the _____ Township Zoning Resolution together with the (motion) (resolution) (application), text, map, and recommendation of the county planning commission relating thereto; and

WHEREAS, on the _____ day of _____, 19____, the board of township trustees conducted a public hearing on the proposed amendment as provided by law; therefore be it

RESOLVED, that the _____ Township Board of Township Trustees, Geauga County, Ohio this _____ day of _____, 19____ hereby (adopts) (denies) (adopts the following modifications of) the recommendations of the township zoning commission as attached hereto as exhibit A and incorporated herein.

(Set forth modifications if any)

(If the proposed zoning amendment is being adopted or adopted with modifications, the following should also be resolved by the board of township trustees)

and be it further,

RESOLVED, that the _____ Township Board of Township Trustees, Geauga County, Ohio, this _____ day of _____, 19____ hereby adopts an amendment to the _____ Township Zoning Resolution (and Zoning Map) as set forth in the text (and map) attached hereto as exhibits _____ (and _____) and incorporated herein.

_____ seconded the motion and the roll being called the vote of the _____ Township Board of Township Trustees was as follows:

FORM NO. 33

FILING OF ZONING AMENDMENT ADOPTED
BY TROY TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
WITH GEAUGA COUNTY RECORDER
R. C. 519.12 (H)

The attached copy of a zoning amendment (no. _____) to the _____ Township
Zoning Resolution marked exhibit _____ and effective on _____, 19 ____ is
hereby filed with the Geauga County Recorder this _____ day of _____, 19____.
I hereby certify that the attached amendment is a true and correct copy taken from the official
records of _____ Township.

_____, Clerk

_____, Township

NOTE: Within five (5) working days after an amendment's effective date, the board of township
trustees shall file the text and map(s) of the amendment in the office of the county recorder.

APPENDIX II

R.C. SECTION 519.12:

AMENDMENTS TO TOWNSHIP ZONING RESOLUTION;

PROCEDURE, REFERENDUM

- (5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - (6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 - (7) Any other information requested by the zoning commission;
 - (8) A statement that after the conclusion of such hearing the matter will be submitted to the board of township trustees for its action.
- (D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
- (1) The name of the zoning commission that will be conducting the public hearing on the proposed amendment;
 - (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - (4) The name of the person responsible for giving notice of the public hearing by publication;
 - (5) A statement that after the conclusion of such hearing the matter will be submitted to the board of township trustees for its action;
 - (6) Any other information requested by the zoning commission.
- (E) Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the township zoning commission. Such recommendation shall be considered at the public hearing held by the township zoning commission on such proposed amendment.

- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - (4) The name of the person responsible for giving notice of the public hearing by publication;
 - (5) Any other information requested by the board.
- (H) Within twenty (20) days after such public hearing the board shall either adopt or deny the recommendations of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the township zoning commission the unanimous vote of the board shall be required.

Such amendment adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight per cent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

STATEMENT OF CIRCULATOR

..... (name of circulator) declares under penalty of election falsification that he is an elector of the state of Ohio and resides at the address appearing below his signature hereto; that he is the circulator of the foregoing part petition containing (number) signatures; that he witnessed the affixing of every signature; that all signers were to the best of his knowledge and belief qualified to sign; and that every signature is to the best of his knowledge and belief the signature of the person whose signature it purports to be.

.....
(Signature of circulator)

.....
(Address)

.....
(City, village or township, and zip code)

"THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH."

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the board of township trustees, which shall then transmit the petition within two weeks of its receipt to the board of elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the board of elections not less than seventy-five days prior to the election at which the question is to be voted upon.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters it shall take immediate effect.

Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the regional or county planning commission, if one exists.

The board shall file all amendments, including text and maps, that are in effect on January 1, 1992, in the office of the county recorder within thirty working days after that date. The board shall also file duplicates of the same documents with the regional or county planning commission, if one exists, within the same period.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

Troy Township
Zoning Fee Schedule

<u>Commercial and Advertising Signs</u> - Free standing or extending from a building more than six (6) feet Up to 50 square feet	\$ 25.00
Over 51 square feet	\$ 35.00 + \$.25 per square foot
<u>Barn Sign</u>	\$ 50.00
<u>Application for Oil or Gas Well</u>	\$500.00
<u>Application for Mineral Extraction</u>	\$1000.00

Appeal

Each application for an appeal shall be accompanied by a fee of \$300.00 made payable to the Troy Township Zoning Board of Appeals.

The fee will be used to cover expenses incurred in processing the application. The unused portion of the fee, if any, shall be refunded to the applicant within 90 days after a decision has been rendered. Any unused funds shall be returned with a list of expenditures to the applicant.

Application for Amendment

Each application for an amendment shall be accompanied by a fee of \$300.00 to cover the cost of the application.

<u>Application for a Pond</u>	\$ 25.00 ²
<u>Application for a Wireless Tower</u>	\$1000.00 ³

Violation and Penalties

Violation of the provisions of this resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this resolution, shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred (\$100) dollars. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such a violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation.

² 7/18/1995

³ 11/18/1997