

COUNTY PLANNING COMMISSION AGENDA
April 12, 2022 REGULAR MEETING
7:30 A.M.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES:
 - A. MARCH 8, 2022 REGULAR MEETING MINUTES
4. FINANCIAL REPORT AND APPROVAL OF EXPENSES
5. DIRECTOR'S REPORT
6. MAJOR SUBDIVISION TO BE REVIEWED:
 - A. DERCHAR SUBDIVISION
SUBLOT 1 AND 2
HAMB DEN TOWNSHIP
FINAL PLAT **–extended to the 4-12-22 meeting**
7. TOWNSHIP ZONING AMENDMENTS TO BE REVIEWED:
 - A. MUNSON TOWNSHIP
TEXT AMENDMENT NO. ZC-2022-01
INITIATED MARCH 9, 2022
BY ZONING COMMISSION
 - B. TROY TOWNSHIP
TEXT AMENDMENT NO. ZC-2022-01
MAP AMENDMENT NO. ZC-2022-02
INITIATED MARCH 29, 2022
BY ZONING COMMISSION
8. OLD BUSINESS
 - A. MODEL ZONING RESOLUTION
9. ADJOURNMENT



Geauga County Planning Commission
470 Center Street, Building 1C, Chardon, Ohio 44024
Phone (440) 279-1740 Fax (440) 285-7069
www.co.geauga.oh.us/Departments/Planning-Commission

April 12, 2022 MEETING MINUTES

1. Pledge of Allegiance

Chairperson Caterina Cocca-Fulton called the April 12, 2022 regular meeting of the Geauga County Planning Commission to order at 7:37 a.m. at 470 Center Street, Building 8, City of Chardon. A quorum was obtained. Following the Pledge of Allegiance, the roll call was called by Linda Crombie, Planning Director, and the following members were present:

2. Roll Call

Members present: Caterina Cocca-Fulton, Gary Neola, Commissioner Jim Dvorak, Commissioner Tim Lennon, Dennis Bergansky, Nicholas Gorris, Dan Miller, Skip Claypool, and John Oros

Members absent: Commissioner Ralph Spidalieri and Jim McCaskey

Mr. Dvorak left the meeting at 9:18am. Mr. Lennon left the meeting at 9:40am

Staff present: Linda Crombie (Planning Director) and Allyson Kobus (Planner II). Staff absent: Pamela Irizarry (Administrative Assistant).

3. Approval of Minutes for the March 8, 2022 Regular Meeting

Mr. Oros made a motion to approve the March 8, 2022 regular meeting minutes and Commissioner Dvorak seconded the motion, and upon a call for the vote, the motion carried unanimously. Mr. Miller and Mr. Claypool abstained.

4. Financial Report and Approval of Expenses

Ms. Crombie provided the financial report as of April 11, 2022 attached hereto and the expenses marked as Exhibit "A" totaling \$142.96. Ms. Crombie noted that \$1,000.00 was moved into a new Copier Usage account but funds will not be deducted from this account until the new copier is delivered. Mr. Lennon asked what the charges will be for and Ms. Crombie said it is to cover monthly copy charges. Mr. Neola made a motion to approve the financial report and the summary of expenses, marked exhibit "A" totaling \$142.96. Mr. Oros seconded the motion, and upon a call for the vote, the motion carried unanimously.

See Exhibit 4A

5. Director's Report

1. Northeast Ohio Planning and Zoning Workshop: Ms. Crombie said plans for the NE Ohio Planning and Zoning Workshop to be held on June 24 at Punderson State Park are moving along and that she has been working with the American Planning Association chapter and the Lake County Planning Director regarding the workshop. "Save the Date" cards were emailed to township trustees, BZA secretaries, Zoning Commission secretaries, township zoning inspectors as well as officials from the villages and City of Chardon. Topics include re-use of school buildings, GIS, workforce development, transportation and the infrastructure bill, board of zoning appeals processes and more. Ms. Cocca-Fulton asked when the program would be ready and Ms. Crombie said the plan is to email the program at the end of April.

2. House Bill 563: Ms. Crombie said HB 563 was recently introduced and is currently at the House of Representatives Committee review. Ms. Crombie presented the proposed bill that would limit township and municipalities from prohibiting short term rentals as well as prohibit the regulation of the number, duration, and frequency. Ms. Crombie noted that Auburn and Bainbridge Townships have regulations specifically prohibiting short term rentals, which is defined as thirty day or less, and if the bill is passed, those townships will have to amend their resolution.

Ms. Crombie explained the proposed bill does not prohibit communities from regulating short term rentals in regard to fire and building safety, property maintenance, hazardous waste, etc. or to protect the public health safety and welfare in regard to housing of sex offenders, production of alcohol, and others. Ms. Crombie noted that the Ohio Township Association and Auburn Township submitted letters of opposition and briefly presented those letters.

Ms. Cocca-Fulton said she does not like the fact that the proposed state law completely takes it out of the townships' control.

Mr. Claypool asked how is this separate from hotels and bed and breakfasts. Ms. Crombie said that bed and breakfasts are typically a permitted conditional use that must follow a set of conditions established by the township. Hotels are permitted uses located in commercial areas. Ms. Crombie commented that when someone is searching for a new home, there is an expectation when looking in a single-family area, that is what is allowed. If passed, this bill will allow property owners to place structures on their property for rent, which is a commercial use.

Ms. Cocca-Fulton added that matters of safety and other stipulations are outlined in the bill but the State is telling the townships they cannot regulate them otherwise.

Mr. Bergansky shared that Auburn Township became involved with a house located on a cul-de-sac that was routinely rented out for parties and was a disturbance.

Mr. Lennon said he does not like that the State is telling the townships what to do. Mr. Claypool added though that all townships are regulated by the State. Mr. Neola asked about what cities can do and Mr. Claypool responded that cities can create their own laws. Mr. Claypool added that there may be other tools that can be used to regulate or restrict them, even local neighborhood covenants.

Ms. Cocca-Fulton said this is an interesting issue and thanked Ms. Crombie for bringing it to the board's attention.

3. Fireworks, Township Regulation: Ms. Crombie said this does not specifically relate to township zoning but wanted to make the board aware of it anyway. The Governor in November 2021 passed a law allowing Ohio residents to discharge certain size fireworks on private property and the law goes into effect on July 1, 2022. Ms. Crombie presented the law and noted that discharging of fireworks is not limited to the 4th of July and went through the list of numerous other holidays when fireworks are permitted. The Township Trustees can decide whether they want to ban fireworks or otherwise limit them. Ms. Crombie advised that is something each township would have to discuss with their individual prosecuting attorney. Mr. Gorris said this would be a matter for local law enforcement.

4. Computer replacement: Ms. Crombie advised the 2021 budget included replacing several computers, which has been done but that new monitors will be ordered when available.

5. Work Summary, March 2022:

a. Planning/Zoning/Subdivision Administration: Ms. Crombie said that during March there were 16 Lot Splits/Consolidations, 75 different planning/zoning inquiries, lot split inquiries and 1 formal text amendments. Ms. Crombie briefly reviewed the various points of contact she had with each of the following townships: Burton, Chester, Claridon, Munson, and Newbury.

b. Comprehensive Planning Efforts:

i. General Plan Use: Ms. Crombie said the staff referred to the General Plan four (4) times during March 2022. The Land Use, Housing, Natural Resources, and Economic Development chapters were referenced in regard to the proposed Troy text and map amendments on the agenda today as well as a potential map amendment in another township.

ii. GIS: Ms. Crombie advised that the County has access to ArcGIS Online that allows county employees to create and post maps and data that other departments can access and download. Ms. Crombie said that Ms. Kobus has posted several maps and Ms. Kobus said she was surprised at the response as a map she posted had 30 views in one day. Mr. Lennon asked about availability to the public as he thought that was the goal. Ms. Crombie said that it is under the Auditor's Office but that is her understanding as well but does not have a timeframe for it. Ms. Crombie explained that users have to log-in to access it and Ms. Kobus added that it is a cloud-based website.

iii. Website Updates: Ms. Crombie advised the 2022 Directory of Public Officials was posted to the Planning Commission's website as well as the holiday schedule.

iv. Informational Sheets: Ms. Crombie noted that one of the 2022 goals was the creation of information sheets. Ms. Kobus has been working on sheets related to the various lot split processes and the draft should be ready for the next meeting or meeting after that for the Commission's review.

v. Staff Training: Ms. Crombie said that she and Ms. Kobus attended the Women in GIS annual meeting which showcases work that women have performed within the GIS profession. Ms. Kobus also attended a GIS webinar about the underutilization of GIS and that utilizing the new tools made available when software updates are released is important. Ms. Crombie said that Ms. Irizarry also viewed videos regarding preparation of meeting minutes and elements of site plan review.

Lastly, Ms. Crombie said she created a basic process sheet for internal staff use regarding zoning amendments. In case staff is absent, the sheet will help to assist the other employees with what must be done. Ms. Crombie added this is in effort to ultimately create the Standard Operating Procedures Manual, which will be an employee training document.

vi. Job Fair: Ms. Crombie noted that the April 8 job fair has already occurred but she wanted to make the board aware of it that is was for high school students but was also open to the public. It was through a collaboration of Ohio Means Jobs, Geauga JFS, the Cardinal School District and others.

vi. NOACA CEDS meetings: Ms. Crombie said that at the last meeting it was requested a list be provided of those who have participated in the CEDS plan and she will provide that momentarily. Ms. Crombie informed the board of two immediate items that she wanted to make the Commission aware of. First is a regional roundtable meeting to be held this Thursday, April 14 for locally elected officials, municipalities, and chambers of commerce. Ms. Crombie said as it involved elected officials, she took it upon herself to share the link with Township Trustees and village/municipal officials as she was not certain of NOACA's scope of outreach and the fact that she found out about the meeting last week.

Mr. Claypool said any involvement with NOACA is to the detriment of the County. He said he wants the County Commissioners to object to this as he believes it is in violation of Sunshine laws. Ms. Crombie indicated that Ms. Gallucci, the director of NOACA, had stated at a previous CEDS meeting the importance of having a public meeting before the plan is released but that is not how this meeting is set up. Ms. Crombie added that the public comment period is April 22-May 22. Mr. Claypool asked if there was a draft ready and Ms. Crombie said there was a working draft months ago but that the draft version to the public would have to be released on or before April 22 based upon the schedule.

Mr. Lennon said this should be a meeting open to the public and that he will call NOACA. Mr. Neola added that it doesn't have to be via Zoom. Mr. Claypool asked who is hosting the meeting and Ms. Crombie advised that it is NOACA and their consultant, as the consultant sent the meeting invitation notice. Mr. Claypool said that the meetings should be open, in-person, and that the Planning Commission should have been invited to this meeting. Mr. Neola asked if there is any chance of stopping the meeting. Mr. Claypool brought up the Sunshine Law again and Ms. Crombie indicated that NOACA is basically quasi-governmental as all five counties have elected officials that sit on the board but she was not sure about how that relates to the Sunshine Law.

Mr. Claypool said that anytime the Model Zoning Subcommittee meets, they have to make sure the public knows about it. NOACA has hired a third-party consultant who is paid via tax dollars and that the meeting should be open. Ms. Crombie presented the list of those who have participated in the plan. She advised that many of the conversations are circular but that the public input will start soon. The

plan will have a large demographic component and economic development strategies. Mr. Neola asked if Ms. Crombie could ask the Prosecutor's Office about public notice requirements and Ms. Crombie said should would do so.

Mr. Lennon asked about the reason for a regional economic development plan. Is it to put all the resources together to attract very large companies? Ms. Crombie said that it is not just for large companies and that during the discussions, one of the strengths in this region is the supply of existing smaller buildings that can be re-used. Ms. Crombie went on to explain that the CEDS plan is a prerequisite to be designated as an Economic Development District (EDD) by the US Economic Development Agency. She previously asked NOACA how this plan can help Geauga County and was given an example that it could open up more federal funding opportunities for meat and cheese processing facilities. She added that the businesses and communities will need to know about the potential funding opportunities in order to take advantage of them.

See Exhibit 5A

6. Major Subdivision to be reviewed

A. Proposed Derchar Subdivision

Sublot 1 and 2

Hambden Township

Final Plat – extension request received from the applicant to extend to the 4-12-22 meeting.

Ms. Crombie explained that this item was tabled at the March meeting as she had a discussion with the developer that he had obtained a new septic designer and it should be resolved before the April meeting. Ms. Crombie presented the plat to refresh the board on the proposal to create two sub-lots. The developer had septic approval of the one lot and had to make an adjustment to the other due to the riparian setback. Ms. Cocca-Fulton said that due to several different extenuating circumstances, this project has been tabled. Ms. Crombie said that while she does not like the idea of tabling it again, the applicant did not get back to her about the project status. Ms. Crombie advised that there is a form the applicant must fill out to officially request to be withdrawn.

Ms. Cocca-Fulton agreed that she does not like extending it but that we should formally request that he withdraw if it is not resolved by the next meeting.

Mr. Lennon made a motion to grant a thirty (30) day extension to the May meeting and if the septic approval is not obtained by then, that the developer submit a withdrawal. Mr. Neola seconded the motion, and upon a call for the vote, the motion passes unanimously.

7. Township Zoning Amendments to be reviewed:

A. Munson Township

Text Amendment No. ZC-2022-01

Initiated March 9, 2022

By Zoning Commission

Ms. Crombie advised this text amendment alters five articles of the zoning resolution and will review the most notable changes. In Article II, Definitions, a definition of “premises” is being added as that wording is referenced through the resolution and is not the same thing as “lot” or “parcel”. Ms. Crombie gave the example that a gas station may be comprised of three parcels but it is one “premise” that contains the building, parking lot, and yard areas.

Mr. Gorris said he was not aware of how much research was performed regarding the proposed definition but questioned about if a lot split were to occur, especially with multiple building on a lot, is there an issue with that? Ms. Crombie advised that the definition came from the American Planning Association and the township made a couple of modifications to it. If a split was to occur, the township would review it at that time but it would likely be determined to be two premises if a lot was split.

Ms. Crombie explained that in Section 401.2 “Places of Worship” are being removed from the list of permitted uses as they are a conditional use under the township’s resolution and should not be listed in both locations. The same change is made for all of the residential districts. “Forests and wildlife preserves” are also being deleted. Ms. Crombie said that is a somewhat unusual item for the permitted uses and since the township does not define either, it is being removed from the residential districts as well as the Conditional Use Section 405.2.

Mr. Oros asked that if a church is a conditional use, is there a constitutionality issue? Ms. Crombie replied that townships either permit churches as a permitted use by right or a conditional use, so they are permitted regardless.

Ms. Crombie continued that the township is adding another regulation regarding the unfinished side of a fence must face the lot on which it is installed. In Section 801.2(n) reference to “within the Flood Prone District” is being removed as this would limit enforcing the 5-year conditional use stipulation to only that district. Ms. Crombie also explained a change was made to permit one electronic changeable copy sign per premise.

Lastly, Ms. Crombie said that Section 1202.4 is being modified based upon review by the Prosecutor’s Office. They advised removing the last half of this section relating to a township BZA placing supplementary conditions on variances as it exceeds the powers granted to the BZA under Ohio Revised Code. Ms. Crombie gave an example of a side yard setback variance being granted for a detached garage and a condition to require a row of evergreen trees in that area could exceed the BZA’s powers. Ms. Crombie said the Township indicated they have not imposed supplementary conditions on variances. Ms. Crombie explained that conditional uses can have conditions but that is spelled out in the resolution. Also, as this language is contained within the Model, that would be addressed during the upcoming review of that document.

Mr. Dvorak made a motion to approve the Munson Township Zoning Amendment ZC 2022-01 and Mr. Lennon seconded the motion, and upon a call for the vote, the motion carried unanimously.

See Exhibit 7A

7. Township Zoning Amendments to be Reviewed:

B. Troy Township

Text Amendment No. 2022-01 and Map Amendment No 2022-02

Initiated March 29, 2022
By Zoning Commission

Text Amendment 2022-01

Ms. Crombie said that the text amendment will be reviewed first followed by the map amendment. Four articles are being amended and changes to Article I included updating Section 102.0 with language from the Ohio Revised Code but certain language was left out relating to tents, cabins, and trailer coaches as the township indicated those are not permitted. The staff recommendation is still for “the uses of buildings and structures” language to remain and if tents, cabins, and trailer coaches is removed here, it should be removed in the 4th line down as well.

Ms. Crombie explained that the language “...comprehensive plan for nonresidential number of stories” is missing wording from ORC and should read “comprehensive plan, for non-residential property only, the height, bulk...” The staff recommendation is for the Township to consult with their APA.

Mr. Gorris noted that if the township is not including reference to tents, cabins, and trailer coaches in this section, they should remove all references as it is referenced at least three or four times. Ms. Crombie said this can be added to the recommendation.

Ms. Crombie advised that a definition of self-service storage facility is being added to Article II. Article III changes included correcting the list of the zoning districts as the Passive Park and Active Park districts were not previously listed. Reference to the MHP Manufactured Home Park District is being removed and that relates to the proposed map amendment to be discussed later.

Ms. Crombie continued with several changes proposed to Article IV and noted that the township did take into consideration some of the staff’s informal review comments.

Ms. Crombie said the requirement for fences to require a zoning certificate is being removed. Regulatory language related to accessory dwelling units is being added and as no definition of an accessory dwelling unit (ADU) is proposed, the staff recommendation is for one to be added now and not later. Mr. Bergansky agreed. Ms. Crombie said the township indicated that the definition is not part of this amendment but would be addressed later with a full review of Article II. Ms. Cocca-Fulton agreed that if the regulatory language is being added now, the definition needs to be added now as the timeframe for another amendment is unknown.

Mr. Claypool asked Ms. Crombie’s thoughts on how board of zoning appeals play favorites and are political. Ms. Crombie said the BZA must review cases based on their own merits. Neighbor input, whether for or against, must be heard as it is part of the required process, but should not be the sole reason a variance is approved or denied.

Mr. Claypool stated it is best to create zoning that reduces variances and Ms. Crombie agreed that if a regulation is in place and there are numerous variance requests and all are approved, a township should assess the need for that regulation.

Ms. Crombie reviewed Figure 1, the first of three figures the staff created to illustrate various potential layouts related to adding an accessory dwelling unit onto a dwelling. The 50% common wall requirement may lead to variance requests, and that is what the variance process is for, but this will have to play out for several years before it is known how many variance requests the township receives.

Ms. Crombie presented Figure #2 which shows an ADU attached only the attached garage. The township's requirement that the ADU must be attached to the existing dwelling unit should prevent such layouts.

Ms. Crombie explained the language related to not permitting an attached garage if it is separate from an attached garage. Ms. Crombie presented Figure #3 illustrating a proposed attached garage onto the side of the house but it is technically separate from the existing attached garage. She shared that the township is looking to avoid a layout with a garage on one side of the house and another garage on the other. Mr. Neola said Figure #3 portrays exactly what he thinks a resident may propose and the language as written will be problematic. He recommends that language be struck as there are too many variables and someone could want to add a garage for another purpose other than storing a car, such as a workshop. Ms. Crombie said removal of Item O-3 can be included in the recommendations.

Ms. Crombie said that if you have the ability and resources to construct an addition onto your home to take care of a relative, that is always the best option as opposed to institutionalization. The Housing section of the County General Plan states townships could consider granting variances as long as a second dwelling unit is not created.

Ms. Crombie continued regarding language proposed to require only members of the owner's family to occupy the ADU and the recommendation is to reconsider this language due to enforcement. Ms. Cocca-Fulton agreed that including this language would require the zoning inspector to ask for documentation to demonstrate familial relation by marriage, blood, etc. Is the zoning inspector going to do this? Creating zoning regulations that are not enforced causes problems. Ms. Crombie added that if a regulation is not enforced for 5 years, for example, but then it is enforced on someone, that will be problematic. Ms. Crombie advised that the overall staff recommendation is to enforce the existing definition of single-family dwelling unit, especially since a definition of "accessory dwelling unit" is not proposed at this time.

Mr. Claypool questioned whether Middlefield Township, which has no zoning, has any more problems than the rest of the townships? Ms. Crombie said the Middlefield Township Trustees would have to be asked that question but added that the Township hasn't had zoning for a long time and it works for them and will likely continue to work for them. You take the good with the bad and the downside of no zoning is a commercial use can be built right next to residential use and there is no recourse.

Ms. Crombie continued with Section 402.3.0(C) where Residential Care Facilities are being added and the recommendation is for a definition of "Residential Care Facility" to be added to Article II. Ms. Crombie said Article II is being amended otherwise to add "self-service storage facility" so it makes sense for consistency to add definitions when regulatory language is being added.

Ms. Crombie said 402.21 is new and would permit an owner to keep an existing home on a property while a new home is being built, but that the existing dwelling would have to be removed within ninety days upon completion of the new dwelling. Ms. Crombie said the Prosecutor's Office has experience with issues such as these and there are any number of reasons a property owner may not be able to comply with the ninety-day requirement. The Prosecutor's Office recommends instead of the proposed language, the zoning inspector require a variance for two dwellings on one lot, which should be denied by the board of zoning appeals as a variance is permanent, and then follow the administrative appeal process which leads to an agreed judgment entry and that document specifies when the dwelling must be removed.

Ms. Cocca-Fulton asked why would someone want to building new home if one already exists? If you are building a new home, you should rent a place for a year while you are building home. Ms. Crombie said the proposed language relates to properties with derelict homes. Mr. Gorris said that in many cases there may be an old farm house in the front and the owner wants to build a new home farther back. Mr. Bergansky said the old house may be barely livable, but the owner would stay there and then when the new home is built, take out any of the furnishings and move them into the new house. Ms. Crombie said this is an accommodation to a resident so they do not have to spend money on rent. Many townships allow a manufactured home to be placed on a lot temporarily while a new home is being constructed.

Ms. Crombie said there were various other changes, many relating to either ORC or the Model Zoning Resolution. The last major change relates to Section 405.0 which is the deletion of the MHP Manufactured Home Park zoning regulations and this ties in with the proposed map amendment to the R-3 district. Ms. Crombie added that the Township's intent of removing this language is so that no additional manufactured home parks come into the township. Ms. Crombie said the existing manufactured home park can continue but the staff recommends the township confer with their APA on enforcing the R-3 district requirements especially regarding non-conforming uses as a structure may be removed and discontinued.

The Township indicated the R-3 district regulations would only apply if the manufactured home park development is demolished. The staff and Prosecutor's Office opinion is the R-3 district regulations would apply and there was consensus among the board members of the same. Ms. Crombie followed up by stating the township indicated they are working on an additional amendment to the non-conforming section to describe this matter in more detail but that would happen at a later time.

Map Amendment 2022-02

Ms. Crombie displayed the proposed map amendment to change the two parcels comprising the MHP Manufactured Home Park district to R-3 Residential, which is their 3-acre zoning minimum. Ms. Crombie reviewed maps of the existing surrounding zoning and land uses. Ms. Crombie pointed out that in reviewing the Townships land use plan, it references a 2001 Berkshire Community Planning Association survey, which indicated about 45 percent of the respondents indicated three-acre zoning was the preferred minimum lot size.

Ms. Crombie commented that although the State is involved in regulating manufactured homes townships can decide to adopt or not adopt zoning district regulations pertaining to manufactured home parks. Lastly, Ms. Crombie noted the development is served by the Auburn Corners treatment plant which has adequate capacity to continue to serve the existing development. The County General Plan also indicates multi-family developments be concentrated where there is adequate infrastructure capacity exists.

Ms. Cocca-Fulton thanked the Board for the discussion today.

Motion by Mr. Oros to approve with modifications the Troy Text Amendment No. ZC 2022-01 and seconded by Mr. Bergansky with the staff recommendations and as noted during the meeting discussion, and upon a call for the vote, the motion carried unanimously.

Motion by Mr. Bergansky to approve the Troy Map Amendment No ZC 2022-02, and upon a call for the vote, the motion carried unanimously.

See Exhibit 7B

8. Model Zoning Resolution

Ms. Crombie said the prior recommendations to Article II and Article VII were forwarded to the County Prosecutor's Office in December 2021 and she met with APA Susan Wieland in mid-March. Ms. Wieland had some recommendations regarding certain sections, such as the duplication of the purpose clause and Severability clause. Ms. Cocca-Fulton advise that in her conversations with Professor Weinstein, a separate Severability clause relating to signage is warranted.

Mr. Lennon interjected and said he contacted Grace Gallucci about the CEDS meeting tomorrow and that they are not taking public comment but those who are interested in attending can register. Ms. Crombie said the meeting invitation link indicated it was by invitation only and to not forward the link but in light of his conversation, Mr. Lennon advised Ms. Crombie to forward the link to the Planning Commission members.

Mr. Lennon left at 9:40am.

Ms. Cocca-Fulton said she would not be able to serve on the Model Zoning Subcommittee and be the Commission chair at the same time. She anticipates being chair for this year but would like any of the members to consider the position next year. Ms. Cocca-Fulton also encouraged the members to participate in the Model Zoning Subcommittee. Mr. Neola and Mr. Claypool said they were interested. Ms. Crombie said that when the subcommittee meetings have been held, it has been immediately following the Planning Commission meeting.

See Exhibit 8A (Secretarial Note)

Mr. Claypool brought up the matter of Amish transportation to and from the Planning Commission meetings. He proposes to make a resolution for payment of transportation costs and that he feels the Amish community is special and we should encourage more participation.

Mr. Miller said he understand and appreciates that but mentioned the Commission members all pay for gas to drive to the meetings. Mr. Miller indicated he does not have to have payment.

Mr. Oros advised he picked up Mr. Miller this morning.

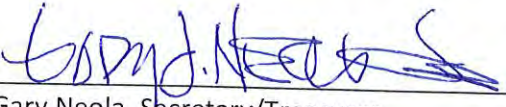
Mr. Claypool said if we get it approved, Mr. Miller can decide to submit for it. Mr. Claypool mentioned that Amish transportation used to be paid for. Mr. Gorris asked why it was taken out and Ms. Crombie advised she would have to investigate. Mr. Claypool said it is \$25.00 for Amish transportation, so \$50.00 total, which is more than what the rest us of pay. Ms. Cocca-Fulton said Ms. Crombie can look into why payment for transportation was not allowed and to add it to the next meeting agenda.

9. Adjournment

Chairperson Ms. Cocca -Fulton adjourned the meeting at 9:46 am.



Caterina Cocca- Fulton, Chairman



Gary Neola, Secretary/Treasurer

COUNTY PLANNING COMMISSION FINANCIAL REPORT
Summary

Budget – April 11, 2022



<u>Account</u>	<u>Appropriation</u>	<u>Expenditure</u>	<u>Balance</u>
Salaries	\$136,089.00	\$37,223.35	\$98,865.65
Supplies	\$3,848.00	\$179.06	\$3,668.94
Hosp.	\$25,604.00	\$6,219.00	\$19,385.00
Medicare	\$1,990.00	\$525.07	\$1,464.93
OPERS	\$19,080.00	\$4,486.62	\$14,593.38
Worker's Comp.	\$252.00	\$0.00	\$252.00
Other Expenses	\$8,978.00	\$189.57	\$8,788.43
Equipment	\$8,451.00	\$0.00	\$8,451.00
Contracted Services	\$0.00	\$0.00	\$0.00
Covid -19 Expenses	\$0.00	\$0.00	\$0.00
Copier Usage Services	\$1,000.00	\$0.00	\$1,000.00
Total	\$205,292.00	\$48,822.67	\$156,469.33

SUMMARY RESOLUTION FOR EXPENSES
GEAUGA COUNTY PLANNING COMMISSION

Mr. Neola MOVED THE ADOPTION OF THE FOLLOWING RESOLUTION,
WHICH MOTION WAS SECONDED BY Mr. Ors.

WHEREAS, THE EXPENSES LISTED HEREIN HAVE BEEN INCURRED BY THE GEAUGA COUNTY PLANNING COMMISSION IN ORDER FOR THE COMMISSION TO PERFORM ITS DUTIES; AND

WHEREAS, THESE EXPENSES HAVE BEEN REVIEWED BY THE MEMBERS OF THE COMMISSION AT ITS APRIL 12, 2022 MEETING;

NOW THEREFORE, BE IT RESOLVED, THAT THE GEAUGA COUNTY PLANNING COMMISSION HEREBY AUTHORIZES PAYMENT OF THE FOLLOWING BILLS OR CLAIMS:

<u>P.O.</u>	<u>ACCOUNT</u>	<u>DATE</u>	<u>VENDOR</u>	<u>AMOUNT</u>
1235	SUPPLIES	3/8	MATERIALS AND SUPPLIES	32.78
1235	SUPPLIES	3/15	MATERIALS AND SUPPLIES	22.16
1224	OTHER	3/22	PAMELA IRIZARRY GAS MILEAGE (MILEAGE FROM 2/7/22 TO 3/10/22)	18.02
1224	OTHER	4/5	GEAUGA COUNTY TOWNSHIP ASSOCIATION (QUARTERLY DINNER)	70.00
TOTAL				\$ 142.96


Caterina Cocca-Fulton, Chairman


Gary Neola, Secretary/Treasurer



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April 5, 2022

Prepared for the April 12, 2022 Geauga County Planning Commission meeting

Director's Report

1. NEO Planning and Zoning Workshop, June 24, 2022, Punderson State Park

The local chapter of the American Planning Association, the Lake County Planning Director and I have been working to finalize the workshop. The program is being prepared and session topics include, but are not limited to, planning and zoning, parks, transportation, and storm water. "Save the Date" cards will be emailed (no regular mail) to those who have been notified in the past about previous workshops. I will email the cards to the Planning Commission, all townships and municipalities within the County, and various county offices as well.

2. House Bill 563, pending

Hearings related to House Bill 563 began in March 2022 at the House of Representatives. The bill proposes to limit township and municipal authority to regulate short term rentals. The bill is attached as Exhibit "A" but can also be found here: <https://ohiohouse.gov/legislation/134/hb563> along with numerous proponent and opponent testimony (under the "Committee" tab).

The Ohio Township Association submitted testimony opposing the bill (see Exhibit "B") and locally, Auburn Township, submitted an official letter opposing it as well (see attached Exhibit "C"). Updates will be provided as the bill progresses through the legislative process.

3. Fireworks, Township Regulation

The Governor signed amended HB 172 into law in November 2021 allowing Ohio residents to discharge certain fireworks on private property. This law will be effective July 1, 2022 and is attached as Exhibit "D" for your reference.

In addition to Independence Day, the law allows discharge of fireworks for numerous other holidays throughout the year. Township Trustees have the option to ban the discharge of fireworks or otherwise limit them and if they choose to do so, they should meet with their APA. Banning or otherwise limiting the use of fireworks would involve the Trustees passing a resolution but it would not involve an amendment to the township zoning resolution.

4. Computer replacements

The 2021 budget included replacing three (3) desktop computers as they were operating on Windows 7 and the ADP Department advised they be replaced due to security issues. Ms.

Kobus’s desktop was replaced with a laptop and Ms. Irizarry’s desktop was replaced with another desktop. My desktop was replaced with a laptop, which we have had in our possession from Covid-19 funding. New monitors were also budgeted but as they are in short supply, they will be ordered when they are available.

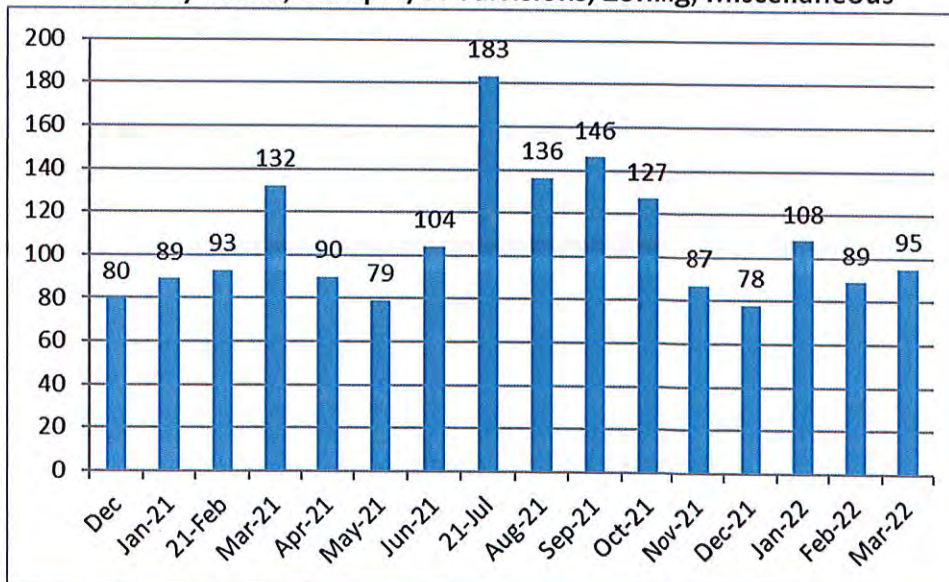
5. Work Summary, March 2022

**Geauga County Planning Commission
Work Summary, March 2022**

a. Planning/Zoning/Subdivision Administration

	# Reviewed March 2022
Lot Splits/Subdivisions	
Re-plat	0
Major Subdivision	0
Minor Subdivisions (5 acres and less)	1
Large Lot Subdivisions (Between 5-20 acres)	4
Exempt Lots (Transfer to Adjacent Owner)	3
Exempt Lots (Over 20 acres)	2
Lot consolidations	6
Total	16
Zoning	
Informal text or map amendment reviews	0
Formal text or map amendment reviews	1
Lot split inquiries	42
Miscellaneous planning/zoning inquiries	32
Total	75
Miscellaneous	
Easements (roadway, septic, utility, etc.)	4

Monthly Totals, Lot Split/Subdivisions, Zoning, Miscellaneous



The following is a summary of various points of contact with the townships:

Burton

- Assisted with question regarding variance applications/providing a deed/proof ownership

Chester

- Assisted with where and how to research historic property lines, information of which is on the County Engineer's webpage
- Guidance on zoning amendment process related to a potential rezoning

Claridon

- Assisted with questions regarding flag lots (not currently permitted within the township)

Munson

- Formal review of text amendment and various questions related to lot splits, solar panels

Newbury

- Assisted with questions relating to agricultural easements and composting.
- Provided the latest draft map of conservation easements and parks located within the township

b. Comprehensive Planning Efforts

i. General Plan Use

The staff referred to the General Plan or referred someone else to the Plan four (4) times during March 2022 for the following chapters:

- Land Use: in reviewing a potential re-zoning
- Housing: in reviewing a proposed zoning amendment, referenced text regarding alternatives for senior housing.
- Natural Resources: to determine if a conservation easement exists on a property
- Economic Development: in reviewing a potential re-zoning

ii. GIS

As part of the County's GIS improvements, the departments have the ability to post maps to ArcGIS Online, which is a web-based GIS that allows users to create and share maps, layers, data, etc. online. This feature is available to county employees at present. Ms. Kobus posted the January 2022 Geauga County Generalized Zoning Map as well as a county wide map of each township's zoning. Additional maps will be posted as time goes on.

iii. Website Updates

Several updates were made including the following:

- The 2022 Directory of Public Officials was sent to ADP for posting
- The Planning Commission's holiday schedule was sent to ADP for posting

iv. **Informational Sheets**

As part of the 2022 staff goals, Ms. Kobus has been working to create the first of several “Info Sheets” on various topics including “How Do I Split My Property” and “Exempt Land Divisions/Consolidations”. These info sheets will be worked over the next month or so and brought to the Commission for review and comment.

v. **Staff Training/Continuing Education**

The following training and continuing education occurred during March:

Webinars/Meetings

- a) Ms. Kobus and I attended the Women in GIS online meeting hosted by Lakeland Community College. This meeting is held once a year for women to share their experiences in working with GIS in Ohio and around the world and also to provide resources that may be helpful to others.
- b) Ms. Kobus also viewed a GIS webinar “The Underutilization of GIS and How to Cure It”. The webinar reviewed how GIS is looked at as just mapping software, but with newer updates, the can do more. The webinar stressed the importance of users reading the “What’s New” summary when updates are released so as to not miss out on new tools. ArcGIS Hub as discussed, which is an app within Arc Online used to share data by creating a website. Creating a Hub site can be very useful for sharing data within the organization or even with the public. It can be used to take surveys, track engagement of the community, and help understand what people want to see.
- c) Ms. Irizarry watched videos related to preparation of meeting minutes and elements of the site plan review process.

Zoning Amendments Internal Process Sheet

- a. A summary process sheet was created and reviewed with the staff regarding the internal process to handle zoning amendments. This summary will be used when the Standard Operating Procedures Manual is created.

vi. **Geauga County High School Job Fair**

A high school job fair will be held on April 8, 2022 through a collaboration between Ohio Means Jobs, Geauga Job and Family Services, Cardinal School District, Village of Middlefield, and Geauga Growth Partnership. It will be held at the Cardinal High School Gymnasium at 14785 N. Thompson Avenue, Middlefield from 9am to 2pm.

From 9am to 12pm, job seekers will include high school students, grades 9-12, and all Geauga high schools and other surrounding high schools have been invited to attend. From 12pm to 2pm the job fair is open to the general public.

vii. **NOACA CEDS meetings**

The Working Group met on March 4 and reviewed housing data (year built, number, etc.). The lead consultant, Mr. Abousleman, advised a CEDS plan is a snapshot in time and for now to look at it as 5-Year plan since it will be the region’s first CEDS. An attendee further stated the CEDS is a multi-county document and no one county should dominate. It was discussed that due to concerns over the pandemic starting in 2020 when the census was occurring, additional census data will be reviewed again in a year or so. The consultant is

working on various demographics and reports and the goal is to have a draft of the document available by the end of April.

I inquired as to when input would occur with the various chambers of commerce, communities, etc. On April 4 I received the attached Timeline for Remainder of Project (see Exhibit “E”) that outlines the remaining meetings and steps. Two immediate key dates/times are listed below:

- **April 14, 2022: A CEDS Roundtable Workshop for local elected officials, municipalities, and chambers of commerce will be held on Thursday, April 14 from 11:00am to 1:00pm. via Zoom.**
- **April 22, 2022 through May 22, 2022: Thirty (30) day public comment period.**

Mr. Abouselman said the CEDS plan will have a large amount of demographic data and simple, high level priorities. He advised a CEDS plan is more about identifying strategies versus “we’re going to create “x” number of jobs”. He added that some CEDS plans have ten strategies and others have a hundred.

On a side note, a recommendation from the 2020 Geauga County Strategic Plan for Economic Development prepared for the County by Juniper Solutions includes developing a county level CEDS using the County’s Strategic Plan as the foundation of CEDS plan.

Lastly, at the March 8, 2022 Planning Commission meeting, it was requested that a list be prepared of those who have participated in the meetings associated with the CEDS plan and what agencies they represent. Please see Exhibit “F”.

EXHIBIT "A"

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 563

Representatives Fowler Arthur, Ferguson

Cosponsors: Representatives Jordan, Stein, Hillyer, Brinkman, Click, Plummer,
Holmes, Creech, Loychik, Riedel, Merrin, Cross, Carruthers, Stoltzfus, Pavliga,
Dean, Wiggam, Hall, Gross, Edwards, Johnson, Zeltwanger, McClain, John,
Lampton, Stewart, Powell

A BILL

To amend section 5321.01 and to enact section 1
5325.01 of the Revised Code to limit local 2
regulation of short-term rental property. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5321.01 be amended and section 4
5325.01 of the Revised Code be enacted to read as follows: 5

Sec. 5321.01. As used in this chapter: 6

(A) "Tenant" means a person entitled under a rental 7
agreement to the use and occupancy of residential premises to 8
the exclusion of others. 9

(B) "Landlord" means the owner, lessor, or sublessor of 10
residential premises, the agent of the owner, lessor, or 11
sublessor, or any person authorized by the owner, lessor, or 12
sublessor to manage the premises or to receive rent from a 13
tenant under a rental agreement. 14

(C) "Residential premises" means a dwelling unit for 15

residential use and occupancy and the structure of which it is a 16
part, the facilities and appurtenances in it, and the grounds, 17
areas, and facilities for the use of tenants generally or the 18
use of which is promised the tenant. "Residential premises" 19
includes a dwelling unit that is owned or operated by a college 20
or university. "Residential premises" does not include any of 21
the following: 22

(1) Prisons, jails, workhouses, and other places of 23
incarceration or correction, including, but not limited to, 24
halfway houses or residential arrangements that are used or 25
occupied as a requirement of a community control sanction, a 26
post-release control sanction, or parole; 27

(2) Hospitals and similar institutions with the primary 28
purpose of providing medical services, and homes licensed 29
pursuant to Chapter 3721. of the Revised Code; 30

(3) Tourist homes, hotels, motels, short-term rental 31
properties, recreational vehicle parks, recreation camps, 32
combined park-camps, temporary park-camps, and other similar 33
facilities where circumstances indicate a transient occupancy; 34

(4) Elementary and secondary boarding schools, where the 35
cost of room and board is included as part of the cost of 36
tuition; 37

(5) Orphanages and similar institutions; 38

(6) Farm residences furnished in connection with the 39
rental of land of a minimum of two acres for production of 40
agricultural products by one or more of the occupants; 41

(7) Dwelling units subject to sections 3733.41 to 3733.49 42
of the Revised Code; 43

(8) Occupancy by an owner of a condominium unit;	44
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	45 46 47 48 49 50 51
(a) The occupancy is for a period of less than sixty days.	52
(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:	53 54 55 56
(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;	57 58 59 60 61
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	62 63
(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.	64 65 66 67 68 69
(D) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use	70 71 72

and occupancy of residential premises by one of the parties.	73
(E) "Security deposit" means any deposit of money or property to secure performance by the tenant under a rental agreement.	74 75 76
(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.	77 78 79 80
(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	81 82
(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.	83 84 85 86
(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3729.01 of the Revised Code.	87 88 89
(J) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	90 91
(K) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	92 93
(L) "School premises" has the same meaning as in section 2925.01 of the Revised Code.	94 95
(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	96 97 98
(N) "Preschool or child day-care center premises" has the	99

same meaning as in section 2950.034 of the Revised Code. 100

Sec. 5325.01. (A) As used in this section, "short-term rental property" means a house, apartment, condominium, cooperative unit, cabin, cottage, or bungalow, or one or more rooms therein, that is, or are, offered to transients or travelers for a fee for a period of thirty days or less, regardless of whether amenities, including meals, daily housekeeping, concierge services, or linen services, are provided. 101
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(B) No county, township, or municipal corporation shall adopt or enforce any regulation, restriction, or other resolution or ordinance that does either of the following: 109
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(1) Prohibits short-term rental properties; 112

(2) Regulates the number, duration, or frequency of rental periods for short-term rental properties. 113
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(C) Division (B) of this section does not prohibit a county, township, or municipal corporation from enacting or enforcing a regulation, ordinance, or resolution that regulates, prohibits, or otherwise limits short-term rental properties, provided the regulation, prohibition, or limitation is enforced by the county, township, or municipal corporation in the same manner as for similar properties that are not short-term rental properties and is enacted for any of the following reasons: 115
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(1) To protect public health, safety, and welfare related to fire and building safety, property maintenance, sanitation, traffic control, hazardous waste, or noise; 123
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(2) To limit or prohibit use of property for any of the following purposes: 126
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<u>(a) To house sex offenders as defined in section 2950.01</u>	128
<u>of the Revised Code;</u>	129
<u>(b) To manufacture, distribute, or sell beer or</u>	130
<u>intoxicating liquor, as defined in section 4301.01 of the</u>	131
<u>Revised Code, or drugs of abuse, as defined in section 3719.011</u>	132
<u>of the Revised Code;</u>	133
<u>(c) To operate an adult entertainment establishment as</u>	134
<u>defined in section 2907.39 of the Revised Code, or to produce</u>	135
<u>pornography or obscenity;</u>	136
<u>(d) To maintain a public nuisance.</u>	137
Section 2. That existing section 5321.01 of the Revised	138
Code is hereby repealed.	139



OHIO TOWNSHIP ASSOCIATION

6500 Taylor Road, Ste. A
Blacklick, OH 43004

Phone: (614) 863-0045 Fax: (614) 863-9751
www.OhioTownships.org

EXHIBIT "B"

**HB 563 – Short-Term Rentals
Opponent Testimony
March 9, 2022
House State and Local Government Committee**

Good afternoon Chairman Wiggam, Vice Chair John, Ranking Member Kelly, and members of the House State and Local Government Committee. My name is Marisa Myers, and I am the Director of Governmental Affairs for the Ohio Township Association. On behalf of the Ohio Township Association (OTA), I appreciate the opportunity to testify as an opponent of House Bill 563, which limits local regulation of short-term rental properties.

Local zoning is how communities control land use and ensure complimentary development. It helps communities plan and has served townships for the past 75 years. For townships, the issue of short-term rental regulation is, at its core, a zoning issue.

House Bill 563 restricts local governments from prohibiting short-term rental properties within their community. It also prohibits a local government from regulating short-term rental properties, specifically the number, duration, or frequency of rental periods. This essentially usurps township zoning regulations that may be put into place regarding these uses. It's important to note that zoning itself is a collaborative process with the community and must be approved by residents.

A township that has restricted short-term rentals in, for example, residentially zoned areas may have their zoning resolutions upended by this bill. This undermines their authority to plan their communities and forces the township to allow short-term rentals in areas that would be prone to complaints.

Additionally, there are issues not specifically addressed by the bill that are worth considering, primarily around taxation. Under current law, hotels (or their transient guests) may be required to pay a lodging tax. Since short-term rentals are operating as an alternative to hotels, the OTA respectfully requests that the Committee consider clarifying that lodging taxes apply here too. Further, if lodging taxes do apply, the Committee may consider how communities are able to collect these dollars. Townships, in particular, are not permitted to register short-term rentals outside of zoning requirements (for example, through conditional use permits). Unless there is a mechanism to register these properties, it's unlikely a local community would be able to enforce collection of required lodging taxes.

The issue of short-term rentals is not as simple as whether to allow them or not. For many townships, it's about where they're located and what makes the most sense for the community. And that should be a purely local decision.

For these reasons, the Ohio Township Association is very concerned about the impact of House Bill 563, and we encourage opposition to the bill as currently written. Mr. Chairman, thank you for the opportunity to testify this afternoon. I would be happy to answer any questions you or the committee members may have.



EXHIBIT "C"

TRUSTEES:
Michael S. Troyan, Chairman
Patrick J. Cavanagh
Eugene T. McCune, Jr.

FISCAL OFFICER:
Fredrick L. May
Fmay@auburntownship.com
www.auburntownship.com

440.543.7028 440.543.9520 fax 11010 Washington Street Auburn Township, OH 44023

March 11, 2022

The Honorable Sarah Fowler Arthur
State Representative, District 99
77 South High Street, 12th Floor
Columbus, Ohio 43215

Re: Proposed H.B. 563

Dear Representative Fowler Arthur:

The Auburn Township Board of Trustees is unanimously opposed to proposed H.B. 563 as introduced. This legislation, as currently written (with certain exceptions), prohibits a township from adopting or enforcing any regulation or restriction that prohibits short-term rental properties or regulates the number, duration, or frequency of rental periods for short-term rental properties.


Ohio Revised Code (ORC) Section 519.02 enables a board of township trustees to regulate the use of real property through zoning for the purpose of promoting and protecting the public health, safety, and general welfare. To that end, Auburn Township enacted a zoning regulation pursuant to ORC Section 519.12 to prohibit short-term rental within a dwelling upon receiving appropriate legal review of the legislation by the Geauga County Prosecutor's office.

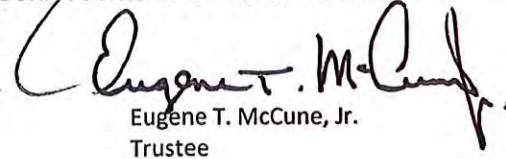
Whereas we certainly understand and agree with the exemptions to township zoning regulation of certain uses (such as agriculture) as currently set forth in ORC Section 519.21, allowing short-term rental property as defined in the proposed legislation virtually anywhere in a township could have serious detrimental impacts -- particularly in a single-family residential zoning district. Essentially, as defined in the proposed legislation, this is a commercial use in a residential zone. Again, it is contrary to the very purpose of zoning: to divide a township into districts that are uniform in terms of each class or kind of use in order to promote and protect the public health, safety, and general welfare. This is a bedrock principle of zoning pursuant to the decision by the U.S. Supreme Court in the case of Village of Euclid v. Ambler Realty Co. 272 U.S. 365 (1926).

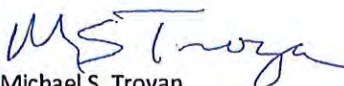
Thank you for carefully considering our position regarding this matter.

Sincerely,

AUBURN TOWNSHIP BOARD OF TRUSTEES


Patrick J. Cavanagh
Trustee


Eugene T. McCune, Jr.
Trustee


Michael S. Troyan
Trustee

cc: Honorable Diane V. Grendell, State Representative, District 76

Effective 7/1/22

EXHIBIT "D"

3743.45 1.4G fireworks, OH ST § 3743.45

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Baldwin's Ohio Revised Code Annotated
Title XXXVII. Health--Safety--Morals
Chapter 3743. Fireworks (Refs & Annos)
Purchasers

R.C. § 3743.45

3743.45 1.4G fireworks

Effective: July 1, 2022

Currentness

<This section effective 7-1-22. See, also, section 3743.45 effective until 7-1-22.>

(A) Any person who intends to obtain possession in this state of 1.4G fireworks purchased in this state shall obtain possession of the 1.4G fireworks only from a licensed retailer, licensed manufacturer, or licensed wholesaler and shall be subject to this section.

(B) Any person authorized under this section to possess 1.4G fireworks in this state may discharge, ignite, or explode those fireworks on private property, with authorization from the property owner, on the following days each year:

(1) The first day of January;

(2) Chinese new year's day;

(3) The fifth day of May;

(4) The last Monday in May, and the Saturday and Sunday immediately preceding that day;

(5) The nineteenth day of June;

(6) The third, fourth, and fifth days of July;

(7) The first Friday, Saturday, and Sunday before and after the fourth day of July;

(8) The first Monday of September, and the Saturday and Sunday immediately preceding that day;

(9) Diwali;

(10) The thirty-first day of December.

(C) Fireworks discharged, ignited, or exploded pursuant to this section shall not be considered a public exhibition.

(D) A county, with respect to the unincorporated territory of the county, a township, with respect to the unincorporated territory of the township, or a municipal corporation may do either of the following:

(1) Restrict the dates and times a person may discharge, ignite, or explode fireworks purchased pursuant to this section.

(2) Ban the discharge, ignition, or explosion of fireworks purchased pursuant to this section. A resolution adopted by a board of township trustees under this division prevails over a conflicting resolution adopted under this division by the board of county commissioners in the county within which the township is located.

(E) This section does not limit the enforcement of any ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct.

CREDIT(S)

(2021 H 172, eff. 7-1-22; 2015 H 64, eff. 9-29-15; 2008 H 562, eff. 9-23-08; 2001 H 161, eff. 6-29-01; 1997 H 215, eff. 6-30-97; 1995 S 2, eff. 7-1-96; 1989 H 111, eff. 7-1-89; 1986 H 428, S 61)

R.C. § 3743.45, OH ST § 3743.45
Current through File 85 of the 134th General Assembly (2021-2022).

EXHIBIT "E"



Timeline for Reminder of Project

Updated April 4, 2022

- April 13** → Working Group Meeting; Review Strategies, Outcomes, and Partners
- April 14** → *CEDS* Roundtable Workshop (11 am – 1 pm ET)
Stakeholder (local elected officials/municipals/chamber) engagement.
- April 20** → A/R360 presentation to Policy Committee to NOACA
- April 22** → NOACA Policy Committee Meeting at 10:00 am – 11:30 am; Review draft *CEDS* document.
Public comment begins.
- May 6** → Steering Committee Meeting; Review draft *CEDS* document.
A/R360 to provide an updated draft *CEDS* document for Board meeting.
- May 11** → A/R360 presentation to Executive Committee to NOACA
- May 13** → NOACA Executive Committee Meeting at 11:30 am – 1:30 pm; Review Second Draft *CEDS* document.
A/R360 to deliver StoryMap to NOACA for review.
- May 18** → Working Group Meeting; Review of StoryMap and *CEDS* documents.
- May 22** → Public comment period ends.
- May 30** → A/R360 to deliver printed documents to NOACA for review.
- June 3** → Steering Committee Meeting; Review of StoryMap and *CEDS* documents.
- June 10** → NOACA Board of Directors Meeting; Final Approval of StoryMap and *CEDS* Documents.
- June 30** → EDA Adoption of StoryMap and *CEDS* Documents.
- NOACA Team Meetings:**
- April 11
 - April 18
 - April 25
 - May 2
 - May 9
 - May 16
 - May 23
 - June 6
 - June 13
 - June 20 → Team Meeting (Federal holiday?)
 - June 27 → Final Team Meeting?

CEDS Steering Committee Participants

EXHIBIT "F"

Prepared March 2022

Steering Committee oversees the overall CEDS process. Composed of city and county economic development and planning department directors and other economic development agencies.

Organization	Contact	Title or Position
AR 360 Consultants	Lindsey Riley	Communications and Marketing
AR 360 Consultants	Fred Abousleman	President
City of Cleveland Economic Development	David Ebersole	Director
City of Cleveland Economic Development	Marilu Acevedo	Administrative Assistant
Cleveland State University	Iryna Lendel	Associate Professor, Director of the Center for Econ. Dev.
Cuyahoga County Economic Dev. Commission	Paul Herdeg	Director of Development
Cuyahoga County Planning Commission	Mary Cierebiej, AICP	Executive Director
Cuyahoga County Planning Commission	Patrick Hewitt	Planning Manager
Cuyahoga County Regional Collaboration	Michele Pomerantz	Director
Destination Cleveland	David Gilbert	President and CEO
Greater Cleveland Partnership	Bajju Shah	President and CEO
Greater Cleveland Partnership	Michele Lanza	Executive Assistant
Geauga County Department of Development	Marty Castelletti	Director of Development
Geauga County Planning Commission	Linda Crombie	Planning Director
Lake County Planning and Community Development	David Radachy	Director
Lake County Planning and Community Development	Joe Rose	Planner I
Lake Development Authority	Patrick Mohorcic	Deputy Director of Planning and Development
Lorain County Community Development	Rob Duncan	Director
Magnet	Ethan Karp	President and CEO
Medina County Dept of Planning Services, Fair Housing at the Medina County Commissioners	Denise Testa	Director
NOACA	Grace Gallucci	Director
NOACA	Amy Stacy	Communications and Administrative Specialist
NOACA	Debbie Heinen	Senior Planner
Team NEO	Christine Nelson	Leads Projects, Sites and Talent

CEDS Working Group Participants

Working Group discusses content of CEDS (demographics; housing, industry clusters, tourist attractions/recreation, top industries, wages, etc.) Prepared March 2022

Organization	Contact	Title or Position
AR 360 Consultants	Lindsey Riley	Communications and Marketing
AR 360 Consultants	Fred Aboulseman	President
City of Cleveland Economic Development	Cassandra Slansky	Development Finance Analyst II
City of Cleveland Planning Commission	Marka Fields	Planning staff
City of Cleveland	Freddy Collier, Jr.	Planning Director
City of Cleveland	Dro Sohrabian	Planner/GIS Specialist
Cleveland Innovation Project	Courtney Kishbaugh	Associate
Cleveland State University	Madeline Frantz	Graduate student
Cuyahoga County Planning Commission	Patrick Hewitt	Planning Manager
Cuyahoga County Department of Development	Vaughn Johnson	Deputy Director
Federal Reserve Bank of Cleveland	Eli Stacy	Regional Outreach Manager
Federal Reserve Bank of Cleveland	Emily Garr Pacetti	Vice President and Community Affairs Officer
Geauga County Department of Development	Marty Castelletti	Director of Development
Geauga County Planning Commission	Linda Crombie	Planning Director
Lake County Planning and Community Development	Joe Rose	Planner I
Lake Development Authority	Patrick Mohorcic	Deputy Director of Planning and Development
Lorain County Community Development	Natasha Cresap	Economic Development Specialist
Magnet	Tracy Francescone	Development Officer
Medina County Economic Development Corporation	Bethany Dentler	Executive Director
Medina County Economic Development Corporation	Kathy Breitenbacher	Economic Developer
Medina County Dept of Planning Services, Fair Housing at the Medina County Commissioners	Denise Testa	Director
NOACA	Debby Heinen	Senior Planner
NOACA	Lawrence Hall	Transportation Planner
NOACA	Sam Schweikert	Transportation Planner
Team NEO	Christine Nelson	Leads Projects, Sites and Talent

Other participants on either the Steering Committee or Working Group include Howard Maier (former NOACA director), James Hassinger (AR 360 Consultants), Hannah Fritzman Belsito (Destination Cleveland)

Summary of various non-governmental participating agencies (copied directly from their websites)

Destination Cleveland

Destination Cleveland has one of the best jobs in the city: we get to spend all day helping more people discover the real Cleveland. Destination Cleveland is a private non-profit convention and visitors bureau whose mission is to drive economic impact and stimulate community vitality for Cleveland through memorable leisure, convention and business travel experiences.

Federal Reserve Bank of Cleveland

The Federal Reserve Bank of Cleveland is one of 12 Reserve Banks that together with the Board of Governors in Washington DC and the Federal Open Market Committee (FOMC) comprise the Federal Reserve System, which was created by Congress to provide the nation with a safer, more flexible, and more stable monetary and financial system. As the US central bank, the Federal Reserve formulates and implements monetary policy—the actions undertaken by a central bank to influence the availability and cost of money and credit to help promote national economic goals—provides payment services to financial institutions and the US government, and supervises banking and other financial institutions.

Greater Cleveland Partnership

Greater Cleveland Partnership (GCP) is the region's leading economic development organization and the largest metropolitan chamber of commerce in the nation with more than 12,000 members. Guided by a board of corporate and entrepreneurial CEOs, the organization focuses on strategic initiatives, member services, and advocacy to build a vibrant environment for all businesses.

Lake Development Authority

Lake Development Authority accelerates the economic growth of Lake County by providing tailored guidance and resources in the areas of financing, partnership, spaces, transportation, and community. In short, we help people, businesses, and municipalities to thrive.

Magnet

We're not your typical consultants. We're manufacturers. We roll up our sleeves and work closely with your team to create measurable results. For more than 30 years, we've helped Northeast Ohio's manufacturing businesses compete globally while growing locally. High-touch, high-impact consulting is part of our DNA, and we're not going anywhere.

MAGNET's industry-specific engineering, strategic growth, and go-to-market expertise help manufacturers achieve excellence in products and processes. From market research and product introductions to lean operations and sales management, our Growth Advisors work hand-in-hand with your organization to achieve growth goals. Learn more about MAGNET growth services here.

NOACA

The Northeast Ohio Areawide Coordinating Agency (NOACA) is the transportation and environmental planning agency that represents state, county, city, village, and township officials in Greater Cleveland. NOACA addresses the transportation, air quality, and water quality needs of Cuyahoga, Geauga, Lake, Lorain and Medina counties. The agency and its partners cooperatively develop and implement plans to ensure that travel throughout the region is safe, cost-effective and environmentally sound.

NOACA has also been designated as an Areawide Water Quality Management Agency by the Governor of Ohio under section 208 of the federal Clean Water Act to perform areawide planning.

Team NEO

Team NEO is a business and economic development organization focused on accelerating economic growth and job creation throughout the 18 counties of Northeast Ohio.

We do this by building partnerships among local organizations, businesses and government and marketing the region as a whole. Drawing on the combined strength of our 18 counties, we represent:

- A \$200+ billion economy
- A regional workforce of 2 million
- More than 25 higher education institutions

Our work is driven by robust data analysis that helps create a clear picture of what is and is not working across our regional economy. We use these insights to inform local conversations, influence solutions and impact regional growth. **We track the performance of the regional supply chain and business incentives** to ensure Northeast Ohio's employers have the tools they need to grow, attract talent and thrive.

Our highly experienced staff is guided by a board of business, economic development and civic leaders who share our passion. It is this combination of skills, results-oriented culture and passion that drives us to develop solutions that create jobs and expand businesses across Northeast Ohio.



Geauga County Planning Commission
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MEMORANDUM

DATE: April 5, 2022
TO: Planning Commission members
FROM: Linda M. Crombie, Planning Director, AICP
RE: Munson Township Amendment 2022-1, Agenda Item 7A

The Munson Township Zoning Commission submitted a text amendment related to the following articles:

1. Article 2: Definitions
2. Article 4: District Regulations
3. Article 5: Supplementary District Regulations
4. Article 8: Conditional Uses
5. Article 12: Zoning Certificates

The staff recommends approval.

c: file

EXHIBIT A

SECTION 202 DEFINITIONS

All words used in this Resolution shall have their customary meanings as defined in the Ninth Edition of *Webster's New World Dictionary*, except those specifically defined in this section.

Premises – An area of land, regardless of the number of lots or parcels, occupied by the buildings or other physical uses which are an integral part of the activity conducted upon the land and such open spaces or yards as are arranged and designed to be used in conjunction with that activity.

SECTION 401 R-1 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

The intent of the **R-1** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 2 ½ acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

401.1 District Boundaries

District designations on the Zoning Map notwithstanding, the parcel of land on the East side and within 436 feet of the centerline of Bass Lake Road between a point 750 feet North of the midpoint of the intersection of Bass Lake Road and Route 322 and extending Northerly to Woodiebrook Road is an **R-1** Residential District.

401.2 Permitted Principal Uses and Structures

- a. One single-family dwelling in accordance with Article 5.
- ~~b. Places of Worship as regulated in Article 5.~~
- ~~c. Forests and wildlife preserves.~~
- db. Public structures and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- ec. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- fd. Type B family day-care home and Type B home – See Section 524.1

SECTION 402 R-2 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

The intent of the **R-2** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 5 acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

402.1 Permitted Principal Uses and Structures

- a. One single-family dwelling in accordance with Article 5.
- ~~b. Places of Worship as regulated in Article 5.~~
- ~~c. Forests and wildlife preserves.~~
- db. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- ec. Licensed Residential Facilities as defined in O.R.C. 5123 (M) and O.R.C. 5119.341 (A) or as amended.

- fd. Type B family day-care home and Type B home – See Section 524.1

SECTION 403 R-3 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

The intent of the **R-3** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 5 acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

403.1 Permitted Principal Uses and Structures

- a. One single-family dwelling in accordance with Article 5.
- b. ~~Places of Worship as regulated in Article 5.~~
- c. ~~Forests and wildlife preserves.~~
- db. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- ec. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- fd. Type B family day-care home and Type B home – See Section 524.1

SECTION 404 R-4 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

The intent of the **R-4** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 5 acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

404.1 Permitted Principal Uses and Structures

- a. One single-family dwelling in accordance with Article 5.
- b. ~~Places of Worship as regulated in Article 5.~~
- c. ~~Forests and wildlife preserves.~~
- db. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- ec. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- fd. Type B family day-care home and Type B home – See Section 524.1

SECTION 405 FLOOD-PRONE DISTRICT (FP)

INTENT AND PURPOSE

The intent of the FP District is to recognize the existence of areas constituting flood plains, the hazards building and other development in such areas pose to the health, safety and general welfare of the community, and the consequent need for special control over such building and development. Such controls and dwelling density are consistent with the Munson Township Land Use Plan and the associated Munson Township Soil Map. Unless noted otherwise, all buildings, structures and uses in a Flood-Prone District are subject to approval by the Board of Zoning Appeals in accordance with Section 806.

405.1 Minimum Lot Size

The minimum size of a lot in the Flood Prone District shall be five (5) acres.

405.2

**Conditional Uses, Principal Buildings and Structures: Conditional Use
Zoning Certificate Approval Per Section 806 Required**

- a. One single-family dwelling per lot in accordance with Section 806.
- ~~b. Forests and wildlife preserves~~
- eb. Places of Worship as regulated in Article 5 and Article 8.
- dc. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.

SECTION 509 ACCESSORY STRUCTURES

All accessory structures shall be in conformity with the following provisions:

- 509.1 All accessory structures shall be anchored to the ground.
- 509.2 No garage or other accessory structure shall be erected within the front yard of any district, except for fencing and a student bus stop shelter.
- 509.3 Accessory structures shall be located within the side and rear yards as set forth in Section 411. Accessory structures shall not be closer than fifteen (15) feet to the principal structure, except for the following freestanding structures: swimming pools, fences, dish antennas, decks, and gazebos.

509.4 Student Bus Stop Shelter

Shall be in conformity with the following provisions:

- a. No student bus stop shelter shall be placed within any public right-of-way.
- b. Should any student bus stop shelter be or become unsafe, unsightly, or be in danger of falling, the owner of the real property upon which the shelter is located shall, upon receipt of written notice from the zoning inspector, proceed at once to put such shelter in a safe and secure condition or remove the shelter.
- c. The floor area shall not exceed thirty-two (32) square feet.
- d. The height shall not exceed eight (8) feet.

509.5 Fences, Gates, and Walls

Shall be in conformity with the following provisions:

- a. Fences, gates, and walls shall be erected outside of the right-of-way of any public or private road.
- b. Fences, gates, and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
- c. Fences and walls shall be a maximum of four (4) feet in height in any front yard and no more than six (6) feet in height in any side or rear yard, except as otherwise provided herein.
- d. No part of any fence or wall shall extend beyond the boundary lines of the property being enclosed.
- e. The unfinished side (if any) of a fence, including the structural supports and posts, shall face the lot upon which the fence is constructed.

SECTION 801 CONDITIONAL ZONING CERTIFICATES

Conditional uses shall be permitted only upon issuance of a Conditional Zoning Certificate by the Board of Zoning Appeals to at least one owner of the property.

Application

Written application for a conditional zoning certificate shall be made on forms provided by the Zoning Inspector and shall be signed and dated by the owner or his/her designated agent, attesting to the truth and accuracy of all information supplied in the application. At a minimum, the application shall contain the following information:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. The lot, name, and number or legal description of the property;
- d. Description of existing zoning district;
- e. Description of the proposed Conditional Use;
- f. A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping, refuse and service areas, standpipes, utilities, rights-of-way, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;
- g. A plan for screening when applicable;
- h. A narrative statement discussing the merits of the proposal;
- i. Such other information as may be required by the Board of Zoning Appeals; and
- j. A fee as established by the Township Trustees.

Conditional Use Standards

Conditional Uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

- a. The use is so designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
- b. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- c. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located;
- d. The use shall be compatible with the adjoining area and the proposed character of the zoning district where it is to be located;
- e. The use will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, and drainage structures;
- f. The 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;
- g. Adequate landscaping and screening are provided, as required under Article 8;
- h. Adequate off-road parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting roads;
- i. The use conforms with all applicable regulations governing the district in which it is located;
- j. The 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 by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations; and
- k. Any other supplementary requirements as prescribed by the Board of Zoning Appeals.
- l. Conditional uses shall be limited to, and must be implemented in accord with Sections 802-807.
- m. A conditional zoning certificate shall not be transferred or assigned, except for single family dwellings and accessory buildings and structures thereto, within the Flood Prone District.

- n. A conditional zoning certificate for any of the uses provided herein shall be valid for a period not to exceed five years from the date of issuance, except for single family dwellings and Places of Worship ~~within the Flood Prone District.~~
- o. The conditional use shall be void upon change of ownership or use unless a new application is made for such a certificate within thirty (30) days after change of ownership or use. The conditional zoning certificate shall be limited to whom it is originally issued and is not transferable.
- p. Signs as regulated in Article 10.

SECTION 805 COMMERCIAL RECREATIONAL FACILITIES

All commercial recreational facilities other than those specifically described elsewhere in ~~Section 805 Article 8~~ shall be limited to Commercial Districts and shall be in accordance with the following provisions in addition to any conditions required by the Board of Zoning Appeals.

1003.7 **Electronic Changeable Signs**

Multiple message and variable message signs which are changed electronically shall conform to the following regulations:

- j. No more than one (1) electronic changeable sign is permitted ~~for~~ **on** the premises regardless of the number of signs permitted ~~or the number of uses on the premises.~~

1202.4 **Granting of Variances**

The burden of proof for granting a variance shall rest with the applicant. In granting any appeal for a variance, the Board of Zoning Appeals must consider conformity with the spirit and intent of this Resolution. The Board of Zoning Appeals may only grant an appeal for an allegation of error by the zoning inspector, for a "use" variance or an "area" variance from the terms of this Resolution, in the district involved, by following the procedures set forth in Sections 1202.4.1 and 1202.4.2. ~~The Board of Zoning Appeals, in deciding any appeal for a variance, may require such supplementary conditions, which are reasonably related to the requested variance, are not in conflict with this resolution and which the board deems necessary to protect the public health, safety, and morals. Any such supplementary conditions shall be made a part of the Board of Zoning Appeals' proceedings and shall be incorporated into the final decision by the board approving that variance. Violation of such supplementary conditions which are made a part of the written decision of the board, shall be deemed in violation of this resolution.~~



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MEMORANDUM

DATE: April 5, 2022
TO: Planning Commission members
FROM: Linda M. Crombie, AICP, Planning Director
RE: Troy Township Text Amendment ZC 2022-01 and Map Amendment ZC 2022-02,
Agenda Item 7B

The Troy Township Zoning Commission initiated a text amendment and map amendment on March 29, 2022 regarding the following sections of their zoning resolution:

ZC 2022-01 (Text amendment)

1. Article 1, General Provisions
2. Article II, Definitions
3. Article III, Zoning Districts and Official Zoning Map
4. Article IV, District Regulations

Recommendation

The Planning Commission can recommend approval, approval with modifications, or denial of the proposed amendment, per ORC 519.12 (E-1-a). Various comments and recommendations from the staff and Prosecutor's Office are attached for your reference. The recommendation is for approval with modifications.

ZC 2022-02 (Map amendment)

Part 1: Existing Conditions/Background Information

The proposed map amendment would change the zoning of two parcels, 32-073300 and 32-073200, totaling approximately 90.5 acres, from the MHP Manufactured Home Park district to R-3 Residential (3 acres). The two subject parcels contain approximately two hundred thirty (230) homes and are located along the west boundary line of Troy Township.

Adjacent Zoning

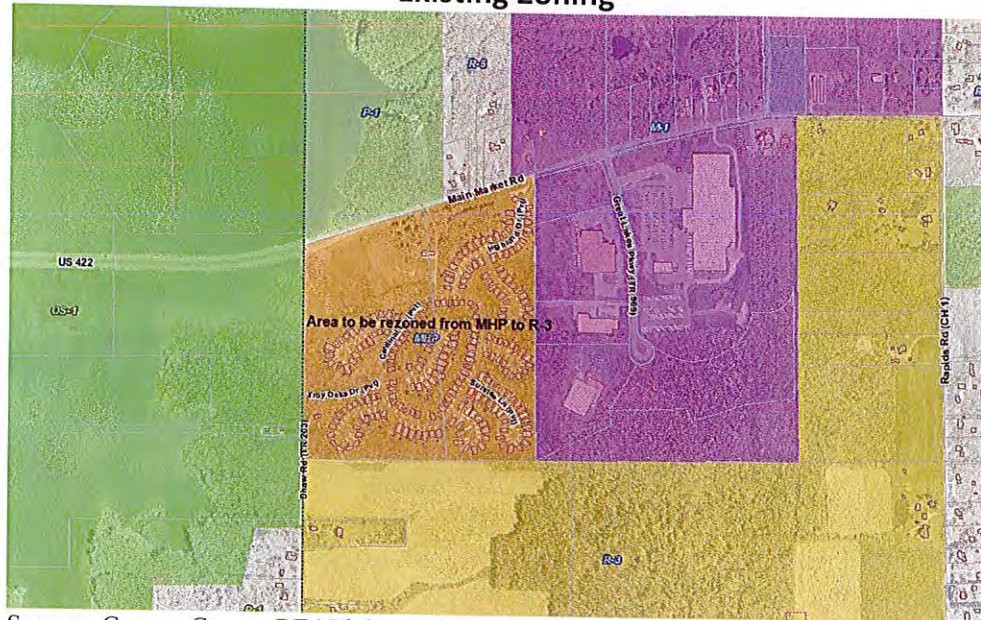
North: P-1 Passive Park, R-5 Residential (5 acres), M-1 General Industry

South: R-3 Residential (3 acres)

East: M-1 General Industry

West: OS-1 Passive Open Space (property to the immediate west is located in Auburn Twp.)

Existing Zoning



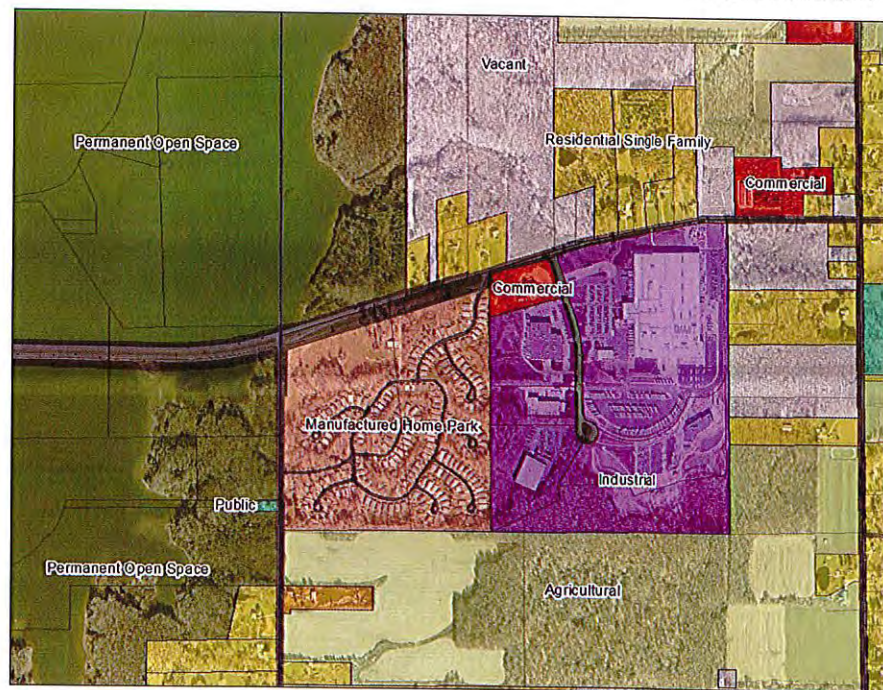
Source: Geauga County REALink

Surrounding Land Uses

Per the image below, the land uses adjacent to or across the street are as follows:

North: Permanent Open Space, Residential Single Family, Vacant
South: Agriculture

East: Industrial, Commercial
West: Permanent Open Space, Public



Source: Geauga County Planning Commission, County Land Use Map 2020

Part 2: Proposed Amendment and Analysis

Zoning Map Amendment Proposal

Re-zone parcels 32-073300 and 32-073200 from MHP (Manufactured Home Park) to R-3 Residential (3 acres)

The two subject parcels are the only area within the Township zoned as Manufactured Home Park and the Township is proposing to rezone the parcels to R-3 Residential. The development will be considered “grandfathered” (legal non-conforming) if the re-zoning were to be approved.

Items to consider:

1. Troy Township Land Use Plan

The recommendation section of the Troy Township Land Use Plan (LUP) dated May 19, 2015 describes that the Troy Oaks development located within the MHP district provides affordable housing, particularly for older adults and empty nesters.

Additionally, per Appendix A of the LUP, responses to a 2001 survey conducted for the Berkshire Community Planning Association indicated that three (3) acres was the most appropriate minimum lot area for the Township, garnering 45.9%.

2. Ohio Revised Code

Per O.R.C. Section 4781.14, the State of Ohio’s division of industrial compliance has exclusive authority to regulate manufactured home installers, the installation of manufacturing housing, and manufactured housing foundations and support systems and licensing requirements. However, a township can still choose to adopt zoning regulations.

3. Central Sanitary Sewer Service

Unlike most areas of Township, the Troy Oaks development is serviced by central sanitary sewer service. The Troy Oaks Waste Water Treatment Plant (located immediately west of the Troy Oaks development) was converted to a pump station and the sewage is pumped to the Auburn Corners treatment plant on the west side of the LaDue Reservoir. The Auburn Corners plant has adequate capacity to serve current customers and capacity to expand.

4. Geauga County General Plan

The Goals section of Chapter 4, Housing, discusses Other Housing Types, including multi-family, be concentrated in urbanized areas consistent with local zoning and having adequate infrastructure capacity. While Troy Township is not urban, in this particular area, sanitary sewer is in place to service the existing development as described in #3 above.

Per Chapter 3, Land Use, only Troy Township and Hambden Township have Manufactured Home Park zoning districts. Other townships have mobile home or manufactured home developments as well and are located within the single-family zoning districts, typically the R-3 (3 acre) or R-5 (5 acre) district.

Recommendation

The Planning Commission can recommend approval, approval with modifications, or denial of the proposed amendment, per ORC 519.12 (E-1-a). The staff recommendation is for approval as the Troy Oaks development will be a legal, non-conforming use if the re-zoning were to be approved and it can continue as regulated by the Township zoning resolution and other agencies.

c: file

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.~~

Pursuant to O.R.C. Section 519.02, except as otherwise provided in this section, in the interest of the public health and safety, the board of township trustees may regulate by resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board by resolution, in accordance with a comprehensive plan, may regulate the location of, setback lines for, and the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and may establish reasonable landscaping standards and architectural standards excluding exterior building materials in the unincorporated territory of the township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board may regulate by resolution, in accordance with a comprehensive plan, for nonresidential number of stories, and size of

buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, sizes of yards, courts, and other open spaces, and the density of population in the unincorporated territory of the township. For all of these purposes, the board has divided all of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board has determined. All such regulations shall be uniform for each class or kind of building or other structure or use throughout the district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

Additional purposes of this resolution are:

- A. To divide the township into zoning districts and to provide uniform regulations for each class or kind of buildings, structures, and uses within such zoning districts.
- B. To regulate the 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 in order to maintain the semi-rural character of the township.
- F. To regulate the location, height, number of stories, and size of the buildings and other structures and the percentage of coverage by buildings, structures, and impervious surfaces.
- G. To regulate the density of population by establishing minimum lot size, frontage, and width requirements in each zoning district.
- H. To regulate building setback lines (yards), and other open spaces.
- I. To promote and protect the public health, safety, and general welfare.

Section 103.0 Provisions of Resolution Declared to be Minimum Requirements

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

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

- A. This resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures

that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure. ~~However, this resolution shall regulate the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located in accordance with R.C. 519.21 (B).~~

- B. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. As used in this resolution, "public utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734 of the Ohio Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of the Ohio Revised Code. However, subject to R.C. 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.
- F. This resolution does not apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for that purpose, having wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation of at an aggregate capacity of five (5) megawatts or more.
- G. Pursuant to O.R.C. Section 5502.031, this resolution does not preclude amateur radio service communications and does not restrict the height or location of amateur station antenna

structures in such a way as to prevent effective amateur radio service communications and shall comply with 47 C.F.R. 97.15.

- H. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes. As used herein, "biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in Section 5713.30 of the Ohio Revised Code.
- I. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten (17,060,710) British thermal units, five (5) megawatts, or both. As used in this section, "biologically derived methane gas" has the same meaning as in Section 5713.30 of the Ohio Revised Code.
- J. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for agritourism. As used herein, "agritourism" has the same meaning as in Section 901.80 of the Ohio Revised Code.

Section 105.0 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 Saturday, Sunday or a legal holiday, then the act may be done on the next succeeding day which is not Saturday, Sunday or a legal holiday.

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 **Saturday**, Sunday or a 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 fall on a 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.

“Self-service storage facility” means a building or group of buildings on a lot consisting of

individual self-contained and fully enclosed units of various sizes and for self-service storage of personal property.

“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~~
- P-1 Passive Park
- P-2 Active Park

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 301.10 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~~ fiscal officer 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~~ fiscal officer, who shall be responsible for its custody and safe-keeping, and shall not be removed therefrom except by township officials for the purpose of conducting township business.

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~~ fiscal officer together with the date of its adoption and its effective date. Said map shall be located in the office of the township ~~clerk~~ fiscal officer and kept together with the original township zoning map and all other amended zoning maps in the

manner provided in Section 301.1.

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

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

MENT DRAFT

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 IX.
- 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, including unlicensed collector's vehicles as defined ~~herein~~ in the Ohio Revised Code, located outside of a fully enclosed building. Whether licensed or unlicensed, a collector vehicle that meets all of the criteria for a junk vehicle shall be ~~located outside~~ stored within 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, open dumping, solid waste facilities, solid waste transfer facilities, construction and demolition debris facilities, and scrap tire collection facilities as defined in O.R.C. Chapter 3734 shall be prohibited.
- 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. Surface or underground 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.

P. The storage, incineration, or burial of infectious waste as defined in O.A.C. 3745-27-01(I)(6) and O.R.C. 3734.01(R) shall be prohibited.

Q. Any wholesale or retail sales of goods, products, merchandise or services from vehicles or within a public road right-of-way shall be prohibited.

R. The use of vehicles, parts of vehicles, or anything manufactured for the purpose of transporting persons or property including semi-trailers, mobile homes, mobile tool sheds, shipping containers, and railroad cars as a storage building, unit or structure shall be prohibited.

Section 402.0 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. Public and private schools
- G. Single family detached dwellings, including industrialized units and manufactured homes subject to the regulations set forth in Section 402.176. 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 402.187.

Section 402.2 Accessory Buildings, Structures & Uses

Section 402.2.1 Permitted Accessory Buildings, Structures, and Uses in Residential Districts (which are shall be located on the same lot with and incidental or subordinate to the principal permitted buildings, structures, or uses). A Zoning Permit Certificate is Required.

Must meet all minimum yard requirements unless otherwise indicated.

A. Wind system devices or wind turbines, in accordance with Sections 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.~~

~~B.~~ 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.

~~C.~~ Signs in accordance with Article VII.

~~D.~~ 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.

FE. Storage buildings (over 80 square feet) designed and used for the storage of tools, ~~and~~ equipment, and other personal property 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.

GF. Tennis, basketball, and volleyball courts of regulation size or larger.

HG. 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 certificate, the temporary manufactured home shall be completely removed from the lot and shall not be relocated upon it.

IH. 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.

II. Gazebos and pavilions.

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

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

ML. Type B Family Day-Care Home and Type B Home within a dwelling.

NM. Exterior lighting in accordance with Section 402.18.

ON. Fire protection ponds in accordance to Section 402.19

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

1. It shall be attached to the principal single family dwelling unit by a common wall with at least one point of internal ingress/egress between the dwelling units. The common wall area for the accessory dwelling unit shall be a minimum of fifty percent (50%) of the principal dwelling unit wall to which it is attached. Attachment of an accessory dwelling unit to a principal dwelling unit by an enclosed or unenclosed breezeway, hallway, porch, deck, patio or walkway is not permitted.
2. The maximum floor area shall be 1,000 square feet.
3. An attached garage, if separate from an attached garage serving the principal dwelling unit, shall not be permitted.
4. The principal single family dwelling unit shall be occupied by the owner of the lot and all occupants of the accessory dwelling unit shall be members of the owner's family. For purposes of this regulation, "family" means one (1) or more persons related by blood, adoption, guardianship or marriage.
5. It shall be in conformity with all of the other regulations for the affected zoning district that apply to a principal single family dwelling unit.

Section 402.2.2 Permitted Accessory Buildings, Structures, and Uses in Residential Districts (which ~~are~~ shall be located on the same lot with and incidental or subordinate to the principal permitted buildings, structures, or uses). ~~In the Residential Districts, No Zoning Permit Certificate 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 and related recreational equipment
- K. Radio, television, amateur radio service, and satellite dish antennas in accordance with Sections 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, ramps, steps, 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. ~~402.2T~~.
- P. Storm water retention and detention basins.
- Q. Air conditioning units, heat pumps, fuel tanks, and emergency generators.
- R. Walkways and trails.

S. Landscaping features and screening, including earthen mounds and retaining walls.

T. 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.
5. Electrically charged or barb wire fences are not permitted, unless for agricultural use.
6. Along lot lines, the unfinished side (if any) of a fence, including the structural supports and posts, shall face the lot upon which the fence is constructed.

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.
- l. A copy of an application for a zoning certificate for a home occupation shall be forwarded by the zoning inspector to the fire department. No zoning certificate shall be issued until the fire department has completed its review to ensure compliance with any applicable fire code(s).

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 402.198.
 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 court, 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.

C. Residential Care Facilities

1. Conditions for Residential Care Facilities

- a. Shall be in accordance with all of the regulations for the zoning district in which it is located.
- b. The number of off-street parking spaces shall conform with Article VI.
- c. Signs shall be in accordance with Article VII.
- d. Applicable permits or licensing through the state of Ohio or other applicable agencies shall be obtained.
- e. Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities.

Section 402.4 Minimum Lot Area R-3 Residential District

The minimum lot area shall be three (3) acres, exclusive of the area in the road right-of-way.

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 (from the road right-of-way): 75 feet
 - 2. Each side yard setback: 25 feet. The minimum side yard setback contiguous with the road right-of-way for all buildings, structures, and uses on all corner lots shall be the same as the required front yard.
 - 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 (from the road right-of-way): 75 feet
2. Each side yard setback: 25 feet. The minimum side yard setback contiguous with the road right-of-way for all buildings, structures, and uses on all corner lots shall be the same as the required front yard.
3. Rear yard setback: 35 feet

Section 402.7 Maximum Height R-3 Residential District

A. The maximum height of all buildings, structures, and uses except as otherwise listed in paragraph B herein and this resolution shall be 35 feet or 2 ½ stories, whichever is less.

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.
3. Amateur radio service antennas as long as the tower or antenna also complies with the requirement that the height of the tower or antenna from the base to the top shall not exceed the distance from the base of the tower or antenna to the nearest property line plus 10 percent.

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, attached garages, crawl space, enclosed or unenclosed porches, patios, decks, and breezeways.

Section 402.10 Minimum Lot Area R-5 Residential District

The minimum lot area shall be five (5) acres, exclusive of the area in the road right-of-way.

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 (from the road right-of-way): 100 feet
 2. Each side yard setback: 30 feet. The minimum side yard setback contiguous with the road right-of-way for all buildings, structures, and uses on all corner lots shall be the same as the required front yard.
 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 (from the road right-of-way): 100 feet
 2. Each side yard setback: 30 feet. The minimum side yard setback contiguous with the road right-of-way for all buildings, structures, and uses on all corner lots shall be the same as the required front yard.
 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 as otherwise listed in paragraph B herein and this resolution 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.
3. Amateur radio service antennas as long as the tower or antenna also complies with the requirement that the height of the tower or antenna from the base to the top shall not exceed the distance from the base of the tower or antenna to the nearest property line plus 10 percent.

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, attached garages, crawl space, enclosed or unenclosed porches, patios, decks, and breezeways

Section 402.176 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 402.187 Licensed Residential Facilities in Residential Districts R.C. 5123.19(A)(5)(a) and R.C. 5119.34(B)(1)(b)

A. Requirements for a licensed residential facility as defined in R.C. 5123.19 (A) (5)(a) and R.C. 5119.34 (B)(1)(b) and which is operated pursuant to ~~R.C. 5123.19(O)~~ R.C. Sections 5119.34(A) and 5123.19(M) respectively 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 402.198 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 402.2019 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~~ A zoning certificate ~~shall be~~ is 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. A zoning certificate is required.

Section 402.210 Sewage Treatment Facilities:

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

Section 402.21 Replacement of Single Family Detached Dwelling

Notwithstanding the provisions of Section 402.1(G), the Zoning Inspector may issue a zoning certificate for a new single family detached dwelling on a lot, that otherwise complies with all of the applicable regulations for the affected zoning district, in order to replace a preexisting dwelling on the same lot, provided, however, the preexisting dwelling shall be completely removed from the affected lot within ninety (90) days from the date that an occupancy permit for the new dwelling has been issued by the County Building Department. The owner of the lot shall provide a written and notarized statement to the Zoning Inspector, at the time of the submission of an application for a zoning certificate, that he/she acknowledges and understands that the preexisting dwelling shall be completely removed from the affected lot within the time period specified herein and no time extension granted.

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. Self-service ~~s~~Storage facilities;

~~11~~B. Service establishments limited to the following:

- ~~a~~1. Tailors, dressmaking or sewing
- ~~b~~2. Barbers and beauticians
- ~~c~~3. Dry cleaning, laundries and Laundromats
- ~~d~~4. Carpet and upholstery cleaning
- ~~e~~5. Shoe, leather, watch, clock, lamp, camera, radio, television, computer, electronics, and appliance repair
- ~~f~~6. Photo and art studios
- ~~g~~7. Photocopying and printing

- h8. Travel bureaus
- h9. Picture framing
- h10. Interior decorating
- h11. Custom signs and lettering
- h12. Locksmiths, alarm and security systems
- m13. Caterers
- h14. Electrical, plumbing, heating and painting contractors
- e15. Trucking and transportation
- 16. Fitness facilities
- 17. Restaurants

- C. Governmental and public buildings, structures, and uses:
 - 1. Administrative offices
 - 2. Road garage and material yards
 - 3. Fire station, police station and emergency services
 - 4. Places of assembly and meeting rooms
 - 5. Libraries

- D. Buildings, structures, and uses permitted
 - 1. Cemeteries
 - 2. Churches
 - 3. Schools
 - 4. Licensed residential facilities subject to the regulations set forth in Section 402.17.
 - 5. Single family detached dwellings, subject to all requirements of the B-1 District and Section 403.15

Section 403.2 *Permitted Accessory Buildings, Structures, and Uses (which **are** shall be located on the same lot with, and incidental or subordinate to the principal permitted buildings, structures or uses). A zoning certificate is required unless otherwise indicated.*

- A. All of the permitted accessory buildings, structures, and uses set forth in section 402.2.
- B. Exterior lighting as set forth in Section 403.10.
- C. Fire protection ponds as set forth in Section 403.11.
- D. Exterior display or sales areas as set forth in Section 403.12.
- E. Exterior storage and trash receptacles as set forth in Section 403.13.

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:
 - a. The front yard setback shall be not less than seventy-five (75) feet
 - b. 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.
 - 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)

H. Child Day-Care Center

1. Conditions for a child day-care center

- a. Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities.
- b. Shall be in conformity with all the applicable regulations for the zoning district in which it is located.
- c. The number of off-street parking spaces shall conform with Article VI.
- d. Signs shall be in accordance with Article VII.
- e. Applicable permits or licensing through the state of Ohio or other applicable agencies shall be obtained.

Section 403.4 Minimum Lot Area

The minimum lot area shall be 3 acres, exclusive of the area in the road right-of-way.

Section 403.5 Minimum Lot Frontage and Width

- A. The minimum lot frontage and width shall be 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 (from the road right-of-way): 75 feet
 2. Each side yard setback: 25 feet. The minimum side yard setback contiguous with the road right-of-way for all buildings, structures, and uses on all corner lots shall be the same as the required front yard.

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 (from the road right-of-way): 75 feet
 2. Each side yard setback: 25 feet. The minimum side yard setback contiguous with the road right-of-way for all buildings, structures, and uses on all corner lots shall be the same as the required front yard.
 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 district abuts a commercial district. No structure, building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the commercial district.

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 and Maximum Floor Area of Buildings

- 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 403.9 Minimum Distance Between Buildings

The minimum distance between detached buildings on a lot shall be 25 feet. The minimum distance between detached 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 403.10 Exterior Lighting

Exterior lighting regulations shall be as set forth in Section 402.18. A zoning certificate is required.

Section 403.11 Fire Protection Ponds

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. Zoning certificate is required for the installation of a fire protection pond or dry hydrant. 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. A zoning certificate is required.

Section 403.12 Exterior Display or Sales Areas

Exterior display or sales areas for goods and merchandise in connection with the principal building, structure, or use of the lot shall be setback a minimum of 25 feet from any front, side or rear lot lines. Exterior sales or display areas for goods and merchandise shall not be located within any off-road parking spaces, loading/unloading spaces, or driveways on a lot. A zoning certificate is required.

Section 403.13 Exterior Storage Areas and Trash Receptacles

Exterior storage of materials, equipment, machinery or vehicles in connection with the principal building, structure, or use of the lot shall be a minimum of 75 feet from any front lot line and a minimum of 25 feet from any side and rear lot lines, unless otherwise specified in this resolution. No exterior storage shall be located in front of any principal building. A zoning certificate is required.

Exterior trash receptacles or dumpsters shall be fully screened and shall not be located in front of any principal building on a lot or in any front yard. Exterior trash receptacles or dumpsters shall be a minimum of 25 feet from any side or rear lot lines.

Section 403.14 Sewage Treatment Systems

Sewage treatment system regulations shall be as set forth in Section 402.20.

Section 403.15 Minimum Floor Area for Single Family Residential Dwellings

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

Section 404.0 M-1 Industrial District

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

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~~ M-1 Zone and Section 404.14

Section 404.2 Accessory Buildings, Structures and Uses

Section 404.2.1 Permitted Accessory Buildings, Structures, and Uses (which ~~are~~ shall be located on the same lot with, and of a nature customarily incidental or subordinate to the principal permitted buildings, structures, or uses). A Zoning ~~Permit~~ Certificate 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 or wind turbines, in accordance with Sections 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.
 - 5. Electrically charged or barb wire fences are not permitted, unless for agricultural use.
 - 6. Along lot lines, the unfinished side (if any) of a fence, including the structural supports and posts, shall face the lot upon which the fence is constructed.
- 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, and other personal property~~ owned by the occupants of the principal building or structure not to exceed ~~500~~ 700 square feet per acre to a maximum of ~~2,500~~ 3,500 square feet.
- J. Gazebos and pavilions.
- K. Outdoor wood-fired boilers (OWB). An OWB shall not be located in the front yard or in front of a principal building.
- L. Freestanding solar panels and solar panel arrays shall not be located in the front yard or in the front of a principal building. No zoning certificate shall be required for roof mounted solar panels.
- M. Exterior Lighting in accordance with Section 402.18.
- N. Exterior Storage and trash receptacles in accordance with Section 404.12.
- O. Fire protection ponds shall be in accordance with Section 404.11.

Section 404.2.2 Permitted Accessory Buildings, Structures, and Uses (which ~~are~~ shall be located on the same lot with, and of a nature customarily incidental or subordinate to the principal permitted buildings, structures, or uses), A Zoning ~~Permit~~ Certificate is not 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, ramps, steps, 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.~~

- K. Storm water retention and detention basins.
- L. Air conditioning units, heat pumps, fuel tanks, and emergency generators.
- M. Walkways and trails.

N. Landscaping features and screening, including earthen mounds and retaining walls.

Section 404.3 Minimum Lot Area

The minimum lot area shall be 5 acres, exclusive of the area in the road right-of-way.

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 (from the road right-of-way): 100 feet
 - 2. Each side yard setback: 50 feet. The minimum side yard setback contiguous with the road right-of-way for all buildings, structures, and uses on all corner lots shall be the same as the required front yard.
 - 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 (from the road right-of-way): 100 feet
 - 2. Each side yard setback: 50 feet. The minimum side yard setback contiguous with the road right-of-way for all buildings, structures, and uses on all corner lots shall be the same as the required front yard.
 - 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 Buildings, 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. The minimum distance between detached 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 404.10 Exterior Lighting

Exterior lighting fixtures shall be installed in accordance with Section 402.198

Section 404.11 Fire Protection Ponds

~~A fire protection pond shall be constructed on a lot in accordance with Section 402.201~~
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. Zoning certificate is required for the installation of a fire protection pond or dry hydrant. 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. A zoning certificate is required.

~~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~~ 12 Exterior Storage Areas and Trash Receptacles

Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, structure or use of the lot shall be a minimum of 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. No exterior storage shall be located in front of any principal building. 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. A zoning certificate is required.

~~Section 404.14~~ 13 Sewage Treatment Facilities

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

~~Section 404.14~~ Minimum Floor Area for Single Family Residential Dwellings

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

~~Section 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 406.5.0 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 406.5.1 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 406.5.2 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 406.5.3 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 406.5.4 Minimum Lot Area

The minimum lot area shall be 50 acres, exclusive of the area in the road right-of-way.

Section 406.5.5 Minimum Lot Frontage

The minimum lot frontage shall be 1,000 feet.

Section 406.5.6 Minimum Lot Width

The minimum lot width shall be 1,000 feet.

Section 406.5.7 Minimum Yards (Setbacks) for Permitted and Accessory Buildings, Structures and Uses

- A. Minimum front yard (from the road right-of-way): 200 feet.
- B. Each side yard minimum: 100 feet. The minimum side yard setback contiguous with the road right-of-way for all buildings, structures, and uses on all corner lots shall be the same as the required front yard.

C. Minimum rear yard: 200 feet.

Section 4065.8 Maximum Lot Coverage

The maximum lot coverage shall be 25 percent.

Section 4065.9 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 4065.10 Maximum Height of Permitted and Accessory Buildings and Structures

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

Section 4065.11 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 4065.12 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 40665.13 Exterior Lighting

Exterior lighting shall be in accordance with section 402.198.

Section 4076.0 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 4076.1 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.~~
- H. Governmental and public buildings, structures, and uses:
 1. Administrative offices
 2. Road garage and yard for storage of equipment, materials, and recycling
 3. Fire station, police station and emergency services
 4. Places of assembly and meeting rooms
 5. Libraries
- I. Public recreational uses authorized by the board of trustees are permitted.

Section 4076.2 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 4076.3 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 4076.4 Minimum Lot Area

The minimum lot area shall be 5 acres, exclusive of the area in the road right-of-way.

Section 4076.5 Minimum Lot Frontage

The minimum lot frontage shall be 100 feet.

Section 4076.6 Minimum Lot Width

The minimum lot width shall be 350 feet.

Section 4076.7 Minimum Yards (Setbacks) for Permitted and Accessory Buildings, Structures and Uses

- A. Minimum front yard (from the road right-of-way): 100 feet
- B. Each side yard minimum: 30 feet. The minimum side yard setback contiguous with the road right-of-way for all buildings, structures, and uses on all corner lots shall be the same as the required front yard.
- C. Minimum rear yard: 100 feet

Section 4076.8 Maximum Lot Coverage

The maximum lot coverage shall be 25 percent.

Section 4076.9 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 4076.10 Maximum Height of Permitted and Accessory Buildings and Structures

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

Section 402.6.11 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.

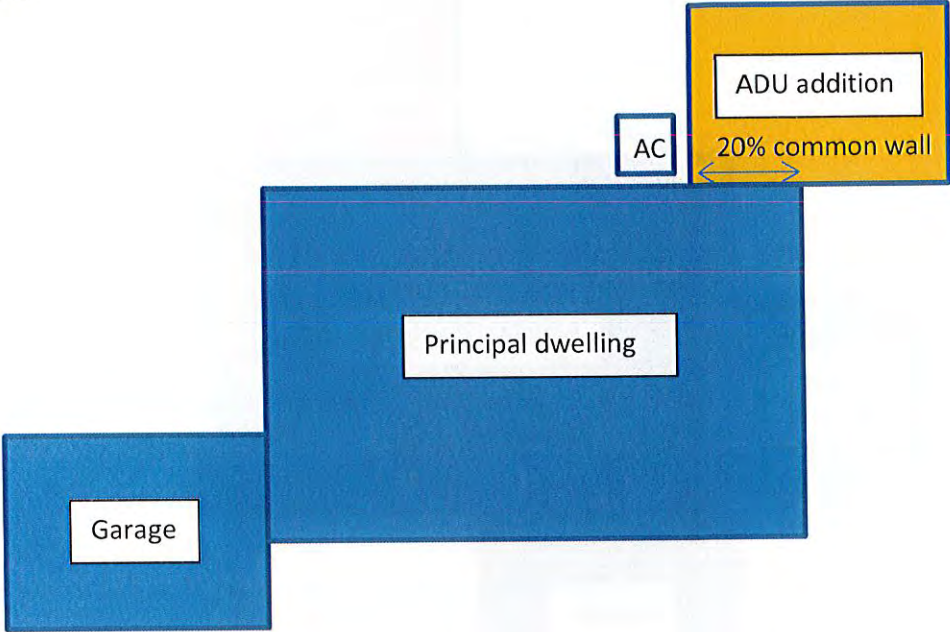
Section 402.6.12 Minimum Buffer Zone

- 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 402.6.13 Exterior Lighting

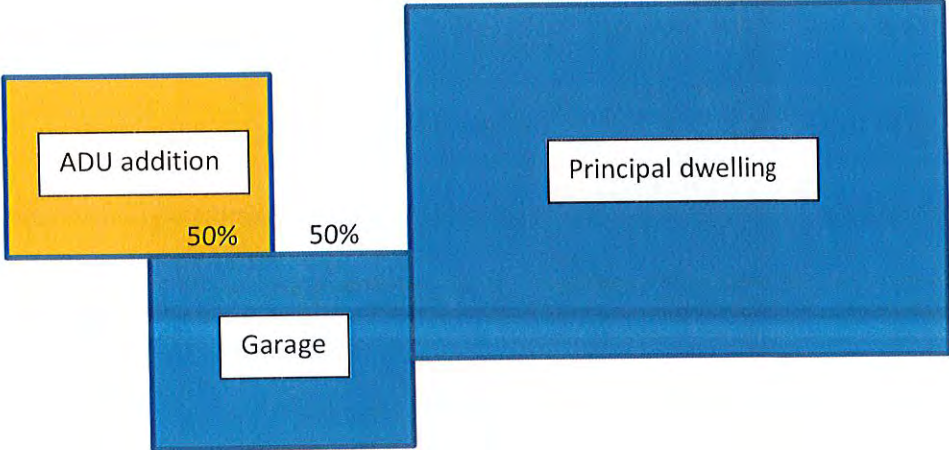
Exterior lighting shall be in accordance with section 402.128.

Figure #1



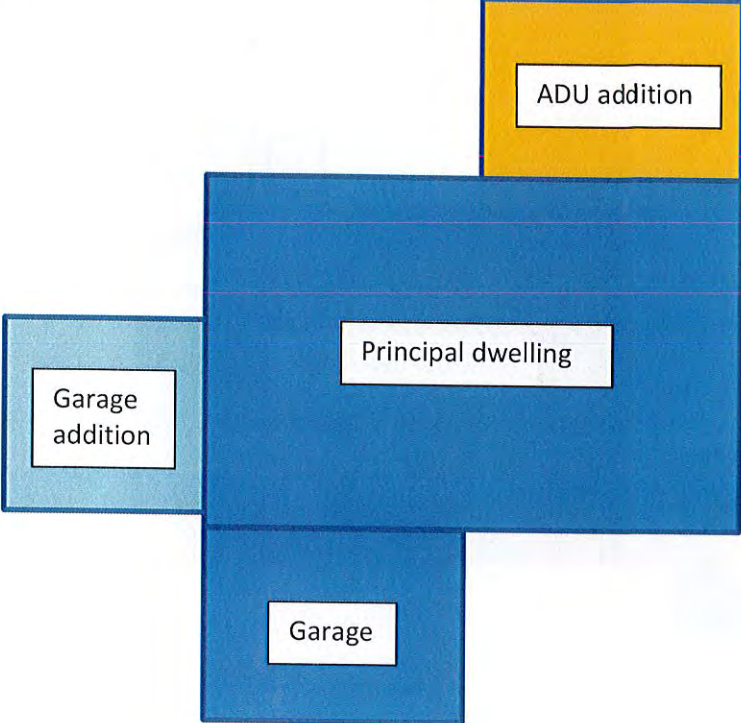
Could be variances related to the 50% common wall requirement as impediments such as AC units, gas and electric lines/meters, etc. may exist.

Figure #2



Creates a separate living space that would not meet the spirit and intent of the regulation.

Figure #3



Resident could propose garage addition that is not attached to the existing garage and per the proposed language the above layout would not be permitted regardless of whether the proposed garage is related to the ADU addition.



Geauga County Planning Commission
470 Center Street, Building 1C, Chardon, Ohio 44024
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www.co.geauga.oh.us/Departments/Planning-Commission

MEMORANDUM

DATE: April 5, 2022

TO: Planning Commission members

FROM: Linda M. Crombie, AICP, Planning Director

RE: Model Zoning Resolution, Article VII, Signs, Agenda Item 8A

In December 2021 the proposed edits to the Geauga County Model Zoning Resolution relating to Article VII, Signs, were forwarded to the County Prosecutor's Office for review.

I met with our APA, Susan Wieland, in mid-March and while she made some recommendations, it is largely as proposed by the Commission. I am in the process of updating the article to a "clean" version but the red-lined version will also be provided for comparison.

Now that we have a full Commission, if the board desires at the April 12 meeting, who may want to participate in the Model Zoning Resolution Subcommittee could be discussed.

c: file