

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

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES:
 - A. JUNE 14, 2022 REGULAR MEETING MINUTES
4. FINANCIAL REPORT AND APPROVAL OF EXPENSES
5. DIRECTOR'S REPORT
6. TOWNSHIP ZONING AMENDMENTS TO BE REVIEWED:
 - A. AUBURN TOWNSHIP
TEXT AMENDMENT NO. ZC-2022-02
INITIATED JUNE 16, 2022
BY ZONING COMMISSION
7. EXECUTIVE SESSION (PER OHIO REVISED CODE 121.22G)
 - A. EMPLOYEE EVALUATIONS AND COMPENSATION OF EMPLOYEES
8. NEW BUSINESS:
 - A. JOB DESCRIPTIONS (PAY GRADE UPDATE)
 - B. INFO SHEET SERIES
 - C. CHANGE IN PLANNING COMMISSION MEETING LOCATION
9. OLD BUSINESS:
 - A. MODEL ZONING
 - B. DERCHAR SUBDIVISION (NO NEW MATERIAL)
10. ADJOURNMENT



Geauga County Planning Commission

12611 Ravenwood Drive, Suite #380, Chardon, OH 44024

Phone: (440) 279-1740

www.co.geauga.oh.us/Departments/Planning-Commission

July 12, 2022 MEETING MINUTES

1. Pledge of Allegiance

Chairperson Caterina Cocca-Fulton called the July 12, 2022 regular meeting of the Geauga County Planning Commission to order at 7:36 a.m. at 12611 Ravenwood Drive, Suite B168, Chardon, Ohio. A quorum was obtained. Following the Pledge of Allegiance, the roll call was called by Ms. Irizarry, and the following members were present:

2. Roll Call

Members present: Caterina Cocca-Fulton, Commissioner Jim Dvorak, Commissioner Tim Lennon, Jim McCaskey, Dennis Bergansky, and John Oros.

Members absent: Commissioner Ralph Spidalieri, Walter Claypool, Gary Neola and Dan Miller

Staff present: Linda Crombie (Planning Director), Allyson Kobus (Planner II), and Pamela Irizarry (Administrative Assistant). And others interested in the meeting discussion.

3. Approval of Minutes for the June 14, 2022 Regular Meeting

Ms. Cocca-Fulton said she has a correction that needs to be made in the June 14, 2022 meeting minutes. She let the board know that one of the Chester Township resident's name was spelled wrong and that she would email the correct spelling to the staff.

Mr. McCaskey made a motion to approve the June 14, 2022 regular meeting minutes as noted and Mr. Oros seconded the motion, and upon a call for the vote, the motion carried unanimously.

4. Financial Report and Approval of Expenses

Ms. Irizarry provided the financial report as of July 11, 2022 attached hereto and the expenses marked as Exhibit "A" totaling \$763.00. Mr. Oros made a motion to approve the financial report and the summary of expenses, marked exhibit "A" totaling \$763.00. Commissioner Dvorak 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, June 24, 2022, Punderson State Park: Ms. Crombie said she felt that the workshop was a success. There were 96 attendees, 31 of them from Geauga County. There was a wide variety of attendees, such as Township Trustees, Board of Zoning Appeals and

Zoning Commission members, and secretaries, and zoning inspectors. She personally thanked Mr. Oros, who represented the Geauga Park District, for his attendance and his presentation on the different parks and how they have improved. She said she gave a presentation of how County and Township Government interact in regards to planning and zoning. Ms. Crombie also mentioned how Geauga County will have an opportunity to host another conference in 5 or 6 years.

2. Move to the New County Administration Building: Ms. Crombie said the staff is now in the new building and spent the last few days of June and beginning of July packing and moving. Ms. Crombie said she wanted to thank Ms. Kobus and Ms. Irizarry for all they did in the move as they did most of the packing. Starting next month, we should be able to use the 3rd floor conference room for all our meetings.

3. Meeting Agendas, Public Records Requests: Ms. Crombie discussed that if anyone would like a copy of the agenda for an upcoming meeting, they would need to contact our office to do a public records request and one could be emailed to them. She went on to say that the county I.T. department is responsible for posting information to the website. Mr. McCaskey asked if all the departments have I.T. post their information to their websites. Ms. Cocca-Fulton responded that Ms. Crombie does put the agenda in the Dropbox link a week before the meeting. She feels that the best way to get a copy of the agenda is to make a public record request as with past policy.

Commissioner Lennon said that he will make an inquiry about this. He knows that I.T. has limited staff right now, but the Planning Commission website should have the agenda posted for anyone to review, and we should have the web access capability to update. Commissioner Lennon feels that each department should have control of posting information to their websites. Mr. McCaskey said that Commissioners should be able to fix this. Commissioner Lennon responded that ADP and I.T. fall under the Auditor's office. Commissioner Dvorak said we could make this happen in the next couple of months.

Mr. Bergansky said the agenda is only a one-page document and it should be on the website. Mr. McCaskey commented that sending a public record request out each time can be cumbersome for the clerk, and it should be posted on the website. Mr. Oros wanted to know if Board of County Commissioners has their agenda on their website, and he was surprised that it is not on the website. Commissioner Lennon commented that the agenda for the Board of County Commissioners is fluid and changes a lot up until the day before the meeting. Mr. Bergansky commented that the school board always has their agenda posted to the website. Mr. McCaskey said we need to move along and the Commissioners could look into this more.

4. Work Summary, June 2022:

a. Planning/Zoning/Subdivision Administration: Ms. Crombie said that during June there were 7 lot splits/consolidations, 41 different planning/zoning inquiries, lot inquiries, 1 formal text or map amendments and 12 easements. Ms. Crombie briefly reviewed the various points of contact she has with each of the following townships: Middlefield Village, Munson, Newbury, and Russell.

b. Comprehensive Planning Efforts:

i. Continuing Education: Ms. Crombie told the board that she attended a webinar about electric vehicles. She said she will be researching language to potentially add to the model zoning.

ii. General Plan Use: Ms. Crombie said the staff referred to the General Plan three (3) times during June 2022 regarding topics for story maps. A handout/story map was created, but since there is no internet on this floor, Ms. Kobus will show this at the next meeting.

See Exhibit 5A

6. Township Zoning Amendment to be reviewed:

A. Auburn Township
Amendment ZC-2022-02
Initiated June 16, 2022
By Zoning Commission

Ms. Crombie said Auburn Township is changing six articles to their amendment, we are only going to talk about three of them. She noted that there is a typo in the staff memo as Munson is referenced in the heading instead of Auburn.

Article 5

Ms. Crombie said Article 5 is the Supplementary Regulations: Dwellings, Accessory uses, Conditional uses, Fire Protection Pond, and Prohibited Uses in all Zoning Districts and there were several changes.

Accessory Uses: Ms. Crombie noted a minor spelling error of the word “followings”. Regarding home Occupations, Ms. Crombie recommended to add a reference to “incidental and subordinate to”. Ms. Crombie discussed items the Township added to development and maintenance standards for Home occupations: only family members who reside in the dwelling may conduct the home occupation, no more than 30% of the total floor area of the dwelling may be used, which is more permissive as 25% is standard. In regards to Reed vs. Gilbert court case, recommend the township consider the wording related to home occupation signage. Ms. Crombie said if you have to read the sign to know what type of sign it is, it is content based. She noted as part of the Model Zoning Resolution update, reference to a sign being for home occupation was removed. Ms. Crombie recommended the township confer with their APA.

Ms. Crombie said that later in section under Signs, while not part of the amendment, the Township confer with their APA regarding this whole section as the language in (i)(1) refers to “identification” and “business” signs. The reason is that the Prosecutor’s Office removed such references in the update of the Model as that type of language is content based.

Ms. Crombie said when she reviewed the township zoning resolution, there is no definition of Solar Panel or Solar Panel Array. She recommends that these definitions be added. Ms. Crombie recommends that a definition be added for wind turbines as well.

Conditional Uses:

Ms. Crombie said there are numerous proposed additional conditional uses, but 5.03 does not reference how long the uses are valid. She feels that it would be helpful if Section 6.05, which describes that a conditional use is valid for five (5) years, unless otherwise noted, be added to 5.03. Commissioner Lennon commented that he ran into this on a property. It was mentioned that the conditional use was for five (5) years, but there was nothing in writing and he found out about the regulations fifteen years later. He asked if the five (5) years is up, are you supposed to come back and renew? Ms. Crombie replied yes. Ms. Crombie said that the Prosecutor's Office views time frames on conditional uses as important. Commissioner Lennon asked does the township need to stay on top of this. Ms. Cocca-Fulton said yes. Commissioner Dvorak commented that Burton Township's conditional uses are valid for two (2) years.

Ms. Crombie briefly commented that cemeteries and golf courses do not have a time limit on their conditional uses referenced 5.03, but Quarries do with a 10-year time limit. Ms. Cocca-Fulton commented that time frame really comes into play when there is a complaint. She added that a change in use is when this should be triggered, and otherwise it is up to the township when to send out certified letters, and with all of these time frames, one year, five year, for a business owner, it can be confusing of what is expected of them. Commissioner Lennon asked Mr. McCaskey how many conditional uses does Munson township have and Mr. McCaskey replied maybe a dozen or so.

Ms. Crombie said per the township's resolution, a recreational facility can be either public or private. Ms. Crombie explained that adding "private" to recreational facilities is proposed and that the use would also be allowed in an industrial district. She recommends that the township confer with their APA as to how this change would impact public recreational facilities. She said that changing it to "private" necessitates changing their table of contents. Language is proposed that a private recreational facility is subject to review after one (1) year. Mr. McCaskey asked if that means every year. Ms. Crombie thought this is a little open to interpretation, and recommends that a specific time limit be added as the language "or as determined by the Board of Zoning Appeals" means it could be any time frame. She went on to say that the review could be done one (1) year after the date of occupancy, not the date the business opened and she read aloud the following suggested wording: Review of the conditions shall be required after one (1) year from the date the occupancy permit was issued by the County Building Department.

Ms. Crombie said it needs to be clearer if the applicant should go before the Board of Zoning Appeals (BZA) after one year or would the BZA review based upon a review by the Zoning Inspector. She suggested the township add the language from 6.05, which states conditional uses are valid for a five (5) year time frame, to this part of the resolution. She also mentioned the Prosecutor's Office has concerns about the one (1) year time frame and felt it was too short of a duration.

Hospitals: Ms. Crombie mentioned that hospitals are also a conditional use and will now be permitted in an additional district. Ms. Crombie talked about how Auto Service station is a conditional use, and there will be a review of the conditional use after one (1) year of operation or as determined by the Board of Zoning Appeals (BZA), whereas an Auto Repair Garage does not have this same requirement. As similar uses should be treated similarly, it is recommended the Township review the uses for consistency with the one-year requirement. Ms. Cocca-Fulton said this is frustrating for businesses and the Township. She is not a fan of this, and she feels this is a burden to the Township. She added all of these multiple time frames is the reason why Townships need to hire assistant zoning inspectors to help with the compliance.

Ms. Crombie commented someone could be in business for five (5) years and there is a possibility of not getting the use renewed. Mr. Bergansky said the business should know what the conditional uses are, and if the owner does what they are told to do there will be no reason to send zoning in there. Commissioner Dvorak also commented that if the business knows that something is not permitted, they can pursue a use variance. Ms. Cocca-Fulton let the board know that she is not a fan of conditional uses. Ms. Crombie said conditional uses vary by township. As an example, churches and schools are conditional uses in some townships and others they are permitted by right.

Ms. Crombie let the board know that beginning with letter “n” the use was either previously added as or is now a new proposed-conditional use being added to the zoning resolution. She recommends that the table of contents be updated to reflect all the new uses added.

Ms. Crombie said while written in singular form, it would be beneficial to add “one (1)” and recommended it be clarified if the Dwelling Unit is attached to the business or detached. She said the Prosecutor’s Office also has the same concerns about the clarity of the language.

Ms. Crombie said the Township added nursing homes and residential care facilities to the B-4 district, which is the office and industrial district located off of Route 422 and 44 and there are various development standards proposed.

Ms. Crombie said Bed and Breakfasts and Party Centers are proposed to be a conditional use as well. A private school is proposed as a conditional use and Ms. Crombie felt the language “secure and safe” related to the drop off and pick up is vague as what is safe and secure to one person may be different to someone else. She recommends if the wording remains that language be added to state is determined by the Fire and/or Police Department.

Ms. Crombie said the language indicates proper signage shall be installed to alert and warn vehicles of drop-off and pick-up areas. Ms. Crombie recommends the township confer with their APA as this section refers to their general signage. She discussed that Directional Signs are defined as those that identify the direction and distance to a business or place not located on the same lot. This language would not include drop-off and pick-up signs. Ms. Crombie also mentioned that a school is chartered by the Ohio Department of Education. She recommends that the language state that documentation shall be provided that the school is chartered.

Ms. Crombie said the Township is adding retail sales as part of their industrial zoning, which is very good as industrial businesses being able to sell products onsite is good business. She pointed out however that retail sales is accessory and subordinate in nature and it is recommended that they regulate this in some manner as it only states the retail sales shall be within completely enclosed buildings.

Ms. Crombie said several prohibited uses are proposed in 5.05. She addressed the storage of Junk Vehicles and recommends language be added to clarify what is considered a junk vehicle and that the County Model or Ohio Revised Code can be referenced.

Article 6

Ms. Crombie said Article 6 is the Administrative Provisions.

First, as “Applications” was previously item “a”, the Table of Contents will need to be updated. Also recommend is the removal of language “in all zoning districts” as this is not necessary as zoning was adopted per Article 1. Ms. Crombie also noted the County Prosecutor’s Office recommends referring to

“Trustees” as “Board of Trustees” and to the Commission as the “Zoning Commission” consistently throughout the document.

Ms. Crombie said additional sections were added that describe the duties of the various zoning officials. In Item 6.03 the language related to a County Planning Commission member serving on the Township Zoning Commission was discussed. The qualifier is that the member would have to reside in Auburn Township. Under sections 6.05(A)(3) Ms. Crombie stated that Prosecutor’s Office commented that the second reference to the Ohio Revised Code states 1514, when it is actually 519.141. She recommended that this be corrected.

Ms. Crombie also mentioned the 1st paragraph in item number 4 list the term “variance”, she recommends that the 2nd and 3rd paragraph be reviewed to make sure “variance” is referenced appropriately. Mr. Bergansky said a word is missing in the second line. It should state “extraction of minerals...”

Under item 6.05(c)(12) , Ms. Crombie read aloud suggested wording: The location, dimensions (in feet), and setbacks from all lot lines of driveways, existing and proposed, and the surface material. Ms. Crombie said the language is bit awkward and the same recommendation applies to items 11 and 13.

In item subsection (d)(4) Appeal Applications: Ms. Crombie said the Township is adding language relating to conditions that are specifically authorized by the resolution. The Prosecutor’s Office recommends that the township list the types of supplementary conditions. The intent of the language is to ensure a BZA does not have unlimited authority over the conditions. Ms. Crombie said she will come back to this section once the Prosecutor’s Office has had time to come up with possible conditions, and those would be potential amendments to the Model Zoning Resolution, which is on the agenda for today for other reasons.

Mr. McCaskey said in Munson it was proposed to remove this section and he feels this is huge, and you have to think about such things as noise, dust, type of business, and lighting. We should put this in the model zoning and he believes the Prosecutor’s Office may want assistance from the townships on what conditions could be. Mr. McCaskey went on to say that a BZA can make conditions, but the Prosecutor’s Office is saying you have to make a list of conditions and we as the Planning Commission need to take a look at what we can do and give the Prosecutor’s Office recommendations. Ms. Cocca-Fulton also said there should be a specific list of conditions that we recommend and ask if it makes sense. Mr. McCaskey said it’s the difference between telling someone they need to put up pine trees for a shed being built too close to the property line and telling people they need to paint it purple. There is no line.

In subsection “f” on page 24, Ms. Crombie said that as “variance” was added in the previous sections, recommend the township add it for necessity in this section for consistency.

Ms. Crombie mentioned there were typographical errors to correct as well on page 26. Under Amendments: (j) Trustee Action, Ms. Crombie advised the Prosecutor’s Office said the word “unanimous” needs to be removed and replaced with “majority” as only a majority vote is needed. Ms. Cocca-Fulton replied unless they want unanimous to be added. Mr. McCaskey said if O.R.C. governs this; then that’s what it has to be.

Under 8.01 Purpose, 2nd paragraph, Ms. Crombie said “Planned Business Development” is proposed to be removed as well as other areas of the text. She noted that a previous text amendment proposed to remove “Planned Business Development” so it makes sense for it to be removed here but recommends

this entire article be reviewed by the Township as reference to Planned Business Development is struck through in several locations but not in others and gave Section 8.08 as an example where is referenced in the title but struck through in the body of the text. She recommends the township consider removing the definition of “Planned Business Development” from Article 2 Definitions if it is not to be used.

Mr. McCaskey asked if he could go back to Article 5 Conditional uses: He suggested that it needs to be clearer that the time limit is one year and the applicant comes back every year.

Ms. Cocca-Fulton asked if there were any more questions about the Auburn Township Text Amendment. She said there is some substantive content and overall it is lengthy as this amendment is more structural as to where to put things. Since there were no more questions, Ms. Cocca-Fulton announced that the board will now enter Executive Session. The time is 8:35 a.m. Ms. Cocca-Fulton asked for a roll call. Commissioner Lennon reminded the board that a motion had to be made for Auburn Township Text Amendment.

Motion by Commissioner Lennon to approve with modifications the Auburn Township Text Amendment No. ZC 2022-02 and seconded by Mr. McCaskey; Mr. Bergansky abstained, and upon a call for the vote, the motion carried unanimously.

See Exhibit 6A

7. Executive Session (Per Ohio Revised Code 121.22G):

A. Employee Evolutions and Compensations of Employees

Motion by Commissioner Dvorak to enter into Executive session to discuss employee evaluations and compensations. Ms. Crombie was asked to stay for the portion related to only the other staff members. Seconded by Mr. Bergansky, and upon a call for the vote, the motion carried unanimously.

Ms. Cocca-Fulton asked Ms. Irizarry for a roll call vote. The time is 8:35 a.m.

Executive Session Roll Call:

Commissioner Dvorak – yes
Commissioner Lennon – yes
Commissioner Spidalieri - Absent
Ms. Cocca-Fulton – yes
Mr. Oros – yes
Mr. McCaskey – yes
Mr. Bergansky – yes
Mr. Claypool – Absent
Mr. Neola – Absent
Mr. Miller – Absent

Ms. Cocca-Fulton resumed the Planning Commission meeting and exited Executive Session at 9:05 a.m. Ms. Cocca-Fulton said the Commission will act on pay increases and Ms. Crombie noted it would be

retroactive back to Payroll #11, which started May 15, 2022 as the County Commissioners authorized increases at their May 17 meeting.

Planning Director, Linda Crombie:

Motion made by Mr. Oros for a 5% increase, and seconded by Commissioner Dvorak, and upon a call for the vote, the motion carried unanimously.

Planner II, Allyson Kobus:

Motion made by Commissioner Lennon for a 5% increase and a 1% merit increase, and seconded by Mr. Bergansky, and upon a call for the vote, the motion carried unanimously.

Administrative Assistant, Pamela Irizarry:

Motion made by Mr. McCaskey for a 5% increase and seconded by Mr. Oros, and upon a call for the vote, the motion carried unanimously.

8. New Business:

A. Job Descriptions (Pay Grade Update):

Ms. Cocca-Fulton advised this item will be tabled to the next Planning Commission meeting.

B. Info Sheet Series:

Ms. Crombie explained that this info sheet was created to help explain the lot split/consolidation process. She explained that many applicants do not understand the process and this will give them a better breakdown of the step by step process. Recently the staff spoke to an owner who was not aware that a deed had to be prepared in addition to the survey. Commissioner Lennon asked if these info sheets will be on the website. Ms. Crombie replied yes. Ms. Crombie said that the Tax Map and Auditor's staff liked the info sheets. Ms. Crombie noted there could be as many as twenty info sheets on a variety of topics. Ms. Crombie asked Ms. Kobus if she could briefly explain what she did to create this info sheets.

Ms. Kobus started out by saying that Ms. Crombie helped out with the language, and she briefly went over each page and highlighted the main points. Commissioner Lennon said this was an excellent idea to do this; now we don't have to dig to find this information out.

Ms. Crombie commented that this was one of the goals of the Planning Commission to be able to create these sheets and educate the public. Mr. Bergansky commented that some information such as "contact the Planning Commission and township zoning" should be in bold. Mr. Dvorak suggested that these should be printed and passed out at the Township Association meetings. Mr. McCaskey asked if there was going to be a "date created" put on the info sheets, not the draft date. Ms. Crombie said she could bold the contacts and add a final date to this one, which would change if any revisions are made.

Motion made by Mr. McCaskey to accept the "How Do I Split My Property?" Info Sheet and seconded by Mr. Bergansky, and upon a call for the vote, the motion carried unanimously. Ms. Crombie noted that she will need to check it one last time for format and grammar.

See Exhibit 8B

C. Change in Planning Commission Meeting Location:

Ms. Crombie explained that all the Planning Commission meeting will take place in this new building and they will be held in A334 Conference Room on the 3rd floor.

Motion made by Mr. Bergansky to accept the change in the Planning Commission meeting location and seconded by Commissioner Dvorak, and upon a call for the vote, the motion carried unanimously.

9. Old Business:

A. Model Zoning

In Article I, Section 113.0 Severability Clause, Ms. Crombie explained that the wording was relocated to Section 113.0 from Section 700.2 as one Severability Clause should be in the Model per the Prosecutor's Office review. She also said the Prosecutor's Office would like the reference to only the "Township" be here and remove "Trustees".

Commissioner Dvorak left the meeting at 9:23 a.m.

In Article II: Definitions, Ms. Crombie explained that after speaking with the Prosecutor's Office, it was advised the definition of "off-premise and on-premise signs" be added back in in light of the recent Reagan Supreme Court case. Ms. Crombie noted that she had originally proposed those two definitions in a previous draft of the amendments to the Model Zoning Resolution as a Billboard was already referred to as an "off premise sign" but was not specifically defined.

In Article VII: Signs, Section 700.1 Purpose Clause, Ms. Crombie said the Prosecutor's Office did not like and recommended the this be changed to "General" as that reference is used elsewhere in the Model and the Purpose Clause is at the beginning of the document. The Prosecutor's Office also suggested to change the language in the last paragraph of Section 700.1 to the Township seeks to protect the rights of free speech.

Ms. Crombie said that in Section 700.2 Substitution Clause, The Prosecutor's office did not like the language here and recommended some be deleted to reduce the wordiness related to commercial and non-commercial copy.

Ms. Crombie said that in Section 704.0 Signs Permitted in all Districts not Requiring a Zoning Certificate: Item number 3 Temporary signs, Ms. Crombie explained language was added to clarify that a minimum of one (1) sign is permitted regardless of the amount of road frontage.

Ms. Crombie advised that in Section 705.0 Signs Permitted in a Residential Zoning District Requiring a Zoning Certificate, the Prosecutor's Office recommended adding language to clarify this section applies to only permitted non-residential uses, such as schools and churches, within residential areas. Non-conforming uses (such as a restaurant within a residential area) would still follow the Non-conforming Use requirements. Regarding illumination, Ms. Crombie discussed if a township wants to allow illumination, to do this, applicants must comply with Section 701.

In Section 706.0 Signs Permitted in the Commercial, Industrial, and Nonresidential Zoning Districts: Ms. Crombie said that item number 2 (a) is too complicated and recommend using language as previously proposed, which is located immediately before it at the top of the page. In (b), permits one additional monument or pylon sign if there is more than one road frontage.

Ms. Cocca-Fulton suggested due to time, the Planning Commission split into two (2) portions and figure out what we agree on. Mr. McCaskey said Articles I and II are straight forward. Mr. Oros suggested with the recommendations of Mr. Weinstein, we move forward with this based on Ms. Crombie's discretion. Ms. Crombie said that formatting will take time between her and the Prosecutor's Office.

Motion made by Mr. Bergansky to move forward with the changes suggested in the Model Zoning Resolution and seconded by Mr. McCaskey, and upon a call for the vote, the motion carried unanimously.

See Exhibit 9A

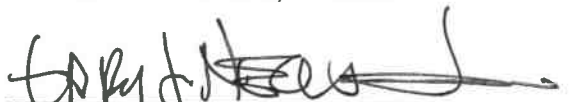
B. Derchar Subdivision (No New Material): Ms. Cocca-Fulton advised this item will remained tabled to the next meeting.

12. Adjournment

Chairperson Ms. Cocca -Fulton adjourned the meeting at 9:36 am.



Caterina Cocca- Fulton, Chairman



Gary Neola, Secretary/Treasurer

COUNTY PLANNING COMMISSION FINANCIAL REPORT
Summary

Budget – July 11, 2022



<u>Account</u>	<u>Appropriation</u>	<u>Expenditure</u>	<u>Balance</u>
Salaries	\$140,589.00	\$69,105.49	\$71,483.51
Supplies	\$3,848.00	\$256.96	\$3,591.04
Hosp.	\$25,604.00	\$12,438.00	\$13,166.00
Medicare	\$2,090.00	\$974.79	\$1,115.21
OPERS	\$19,780.00	\$9,674.77	\$10,105.23
Worker's Comp.	\$252.00	\$0.00	\$252.00
Other Expenses	5,018.00	\$775.88	4,242.12
Equipment	\$8,451.00	\$2,329.27	\$6,121.73
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
Travel	\$2,600.00	\$70.00	\$2,530.00
Advertising	\$160.00	\$0.00	\$160.00
Training	\$300.00	\$0.00	\$300.00
Member, Dues, Lic. Sub	\$900.00	\$653.00	\$247.00
Total	\$210,592.00	\$96,278.16	\$114,313.84

SUMMARY RESOLUTION FOR EXPENSES
GEAUGA COUNTY PLANNING COMMISSION

Mr. McCaskey MOVED THE ADOPTION OF THE FOLLOWING RESOLUTION,
WHICH MOTION WAS SECONDED BY Mr. Cross.

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 JULY 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>
1224	OTHER	6/14	GEAUGA COUNTY TOWNSHIP ASSOC. (MEMBERSHIP DUES)	40.00
2790	TRAVEL	6/23	GEAUGA COUNTY TOWNSHIP ASSOC. (QUARTERLY DINNER)	70.00
2793	MEMBERSHIP DUES, LICENCES, SUBSCRIPTION	6/23	AMERICAN PLANNING ASSOC.	653.00
TOTAL				<u>\$ 763.00</u>

Caterina Cocca-Fulton, Chairman

Gary Neola, Secretary/Treasurer

DENNIS BERGANSKY



Exhibit 5A

Geauga County Planning Commission

12611 Ravenwood Drive, Suite 380, Chardon, Ohio 44024

Phone (440) 279-1740

www.co.geauga.oh.us/Departments/Planning-Commission

July 5, 2022

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

Director's Report

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

The workshop was a success with 96 attendees, not including presenters or volunteers. Thirty-one officials from Geauga County townships and municipalities attended including those from Parkman, Hambden, Bainbridge, Russell, Newbury, Middlefield Village, Chester, Munson, and Chardon townships.

Attendees included Township Trustees, BZA and Zoning Commission members and secretaries, zoning inspectors, planners, planning commission members, parks personnel, and economic development personnel.

John Oros attended on behalf of the Geauga Park District and I want to thank him for his presentation on the different parks and how they have been improved over the years. He highlighted the District's newest park, Veterans Legacy Woods, on Route 44, which just recently opened. It is the former Wicked Woods golf course. I gave a presentation on the interaction between County and Township governments related to planning and zoning.

Geauga County will have an opportunity to host the workshop again in approximately 5-6 years.

2. Move to the new County Administrative Building

The move took place on Friday, July 1 and we are currently unpacking and organizing. A sign is posted on the doors at 470 Center Street notifying the public of the move to the new address.

The July 12 meeting will take place in conference room A334 on the 3rd floor. Turn left when exiting the elevator and turn left again at the glass display case. The meeting room will be on the right. (If the meeting room location changes, I will let you know as furniture is still being unpacked and assembled.)

As we interact with the Auditor Office frequently (and to a lesser extent the Recorder's Office), we provided those offices with a flyer that they can post in their offices to advise the public on our move to the new building.

Please note that while our mailing address is Suite 380, our physical location within the building is room B339 (3rd floor).

3. Meeting Agendas, Public Records Requests

As a reminder, anyone seeking the agenda for the Planning Commission meetings can call (440) 279-1740 or email planning@co.geauga.oh.us to submit a public record request approximately one (1) week before the meeting, and it can be emailed. Please keep in mind that occasionally the agenda may be revised up until the day before the meeting if an application is withdrawn, additional information is submitted, etc.

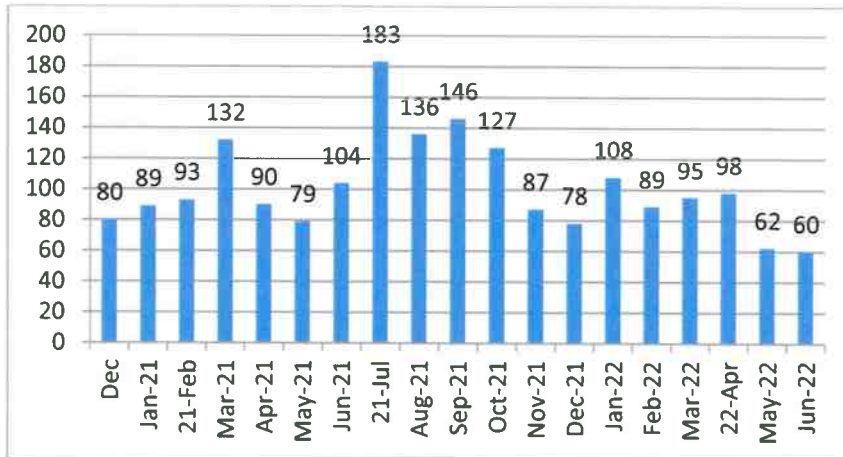
4. Work Summary, June 2022

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

a. Planning/Zoning/Subdivision Administration

	# Reviewed June 2022
Lot Splits/Subdivisions	
Re-plat	0
Major Subdivision	0
Minor Subdivisions (5 acres and less)	0
Large Lot Subdivisions (Between 5-20 acres)	1
Exempt Lots (Transfer to Adjacent Owner)	2
Exempt Lots (Over 20 acres)	0
Lot consolidations	4
Total	7
Zoning	
Informal text or map amendment reviews	0
Formal text or map amendment reviews	1
Preliminary Lot split inquiries	11
Miscellaneous planning/zoning inquiries	25
Total	41
Miscellaneous	
Easements (roadway, septic, utility, etc.)	12

Monthly Totals, Lot Split/Subdivisions, Zoning, Miscellaneous



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

Middlefield Village:

- solar energy information

Munson:

- various lot splits, storage containers

Russell:

- agriculture within subdivisions

Newbury:

- Potential changes to the Professional Office district, agriculture within subdivisions

b. Comprehensive Planning Efforts

i. Continuing Education

I attended a webinar related to electric vehicles: Planning for Electrification: Strategies and Tools for EV Infrastructure Development. It is available at the following site:

https://www.youtube.com/channel/UCR_5gPCHXXmFNw7XMnyC1kA

The staff will be researching language related to this topic to potentially add to the Model Zoning Resolution.

ii. General Plan Use

The staff referred to the General Plan three (3) times during June 2022 and researched all sections regarding ideas for potential story maps. A story map is a way to view information online, as opposed to a printed copy. It may or may not include maps, but is referred to as a “story” as it allows you to explain a certain subject, such as the establishment of a business and its expansion/success over the years. As you scroll down, the story is told through different text, photos, maps (static or interactive), charts, videos, etc. which automatically appear.

Creation of story maps is a goal listed in the 2020-2024 Five-Year Goal Timeline. Ms. Kobus created a draft story map of the *How Do I Split My Property?* handout as a test and she will be sharing that with the Commission as part of Item 8B.

- 3.07 DRIVEWAYS** *(7/21/10)*: Driveways shall be located a minimum of 200 feet from any road intersection, except in R-1 and R-2 Districts. In cases where the lot frontage is prohibitive of compliance, then the driveway shall be located the maximum distance possible from any road intersection.
- 3.08 ~~MEDICAL MARIJUANA PROHIBITION~~**: ~~In all zoning districts medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21.~~ *6/14/17*

EXHIBIT A

ARTICLE 5

SUPPLEMENTARY REGULATIONS

- | | |
|---------------------|--|
| 5.01 Dwellings | 5.03 Conditional Uses |
| 5.02 Accessory Uses | 5.04 Fire Protection Pond (3/17/04) |
| | 5.05 Prohibited Uses in All Zoning Districts |
-

5.01 DWELLINGS: In addition to the other provisions of this Resolution dwellings shall be regulated as follows:

- (a) **Maximum Densities:** In R-1 and R-2 **Zoning** Districts, the total number of dwelling units in each subdivision shall not exceed the number of units per acre provided in Schedule 4.03(k). There shall be no more than one (1) single family detached dwelling on a lot. (Effective 12/31/03)

- (b) **Minimum Dwelling Unit Areas:** Depending on its number of bedrooms, each dwelling unit shall have at least the following floor area.

Number of Bedrooms	Minimum Floor Area Per Dwelling Unit
Under 3	1200 Square Feet
3	1500
4	1800
Over 4	2100

5.02 ACCESSORY USES: In addition to the other provisions of this Resolution, accessory uses shall be permitted and regulated as follows:

- (a) **Accessory Buildings and Structures:**
 - (1) **Locations:** An accessory building or structure may be permitted in any zoning district in accordance with the provisions of the zoning district in which it is located.

EXHIBIT A

- (2) Development and Maintenance Standards: Home occupations shall comply with the following regulations:**
- a. A home occupation may be permitted only within a single family dwelling on a lot.**
 - b. Only family members who reside in the dwelling may conduct the home occupation. A home occupation shall not be leased to others or used for transient occupancy.**
 - c. No more than thirty percent (30%) of the total floor area of the dwelling may be devoted to a home occupation.**
 - d. There shall be no change to the exterior appearance of the dwelling or other visible evidence of the conduct of a home occupation, with the exception of one (1) sign per lot. A sign shall have a maximum area of five (5) square feet per sign face per lot.**
 - e. There shall be no exterior storage of materials, products, merchandise, and equipment relating to a home occupation.**
 - f. No products or merchandise related to the conduct of a home occupation shall be displayed or offered for sale outside of the dwelling. Such products or merchandise shall be sold only from/within that portion of the dwelling devoted to home occupation use.**
 - g. A minimum of two (2) off-street parking spaces shall be provided. No parking spaces may be located in front of the dwelling or the minimum front yard for the affected zoning district. Such spaces shall be a minimum of two hundred (200) square feet in area and shall be paved with asphalt, concrete, or any impervious cover, i.e. crushed limestone. Driveways shall be in conformity with 3.01(c) and 3.07.**
 - h. A home occupation and the dwelling may be subject to inspection by the Auburn Township Volunteer Fire Department prior to the issuance of a zoning certificate to ensure compliance with any applicable fire codes.**
 - i. A home occupation shall conform to 3.01 and 3.02.**

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(d) **Outdoor Storage:** Outdoor storage shall be an accessory use in B-1, B-1A, **B-2**, B-3, B-4 and I-1 **Zoning** Districts. Such storage must be in compliance with the following.

(1) **Locations:**

- a. Areas devoted to outdoor storage shall comply with all building setbacks and yard regulations for the **Zoning** district in which they are located.
- b. No outdoor storage shall be permitted between the front wall of the principal building and the adjacent road.
- c. No outdoor storage area shall be permitted to occupy or interfere with required parking areas, required open space, public sidewalks or pedestrian access.
- ~~d. Outdoor storage shall not be permitted in the B-2 **Zoning** District.~~

(2) **Development and Maintenance Standards:**

- a. The permitted illumination of outdoor storage shall be of a constant intensity. No illuminated outdoor storage shall emit any glare beyond its lot lines.
- b. The bulk storage of material shall be effectively prevented from spreading.
- c. All outdoor storage areas shall be effectively screened from all adjacent residential districts, public parking areas and public roads by walls, fences or landscaping (or these in combination) which achieve a substantially opaque screen from the ground to the height of the material to be stored or six (6) feet, whichever is less. Any landscape plant material which is used shall be planted at such size and spacing to achieve a substantially opaque screen within two (2) years from the time of planting. 11/19/13
- d. No outdoor storage or required screening shall be hazardous to any traffic movement.
- e. Areas devoted to outdoor storage shall be located on an impervious surface.

EXHIBIT A

- (f) **Parking and Loading Facilities in the R-1, R-2, B-1 and I-1 Districts:** Parking and loading facilities shall be required and regulated in the R-1, R-2, B-1 and I-1 **Zoning** ~~D~~districts as follows. (Effective 7/31/02)
- (1) **Required Parking Spaces:** See 4.03(l) and 4A.09(c).
 - (2) **Required Parking Garages:** Parking garages shall be required to accommodate two (2) parking spaces per one-family dwelling on the same lot. (Effective 7/31/02)
 - (3) **Required Loading Spaces:** One (1) loading space at least **twelve (12')** feet wide and **fifty feet (50')** feet long with **fifteen feet (15')** feet of clearance, excluding any other parking spaces or circulation areas on the lot, shall be required per **five thousand (5,000)** square feet of floor area or outdoor sales area involving the exchange of goods.
 - (4) **Location:** Parking and loading facilities shall comply with the following regulations.
 - a. Outdoor parking facilities for dwellings shall be located only in side or rear yards at least **fifteen feet (15')**~~feet~~ from any lot line. No dwelling shall be located further than **two hundred feet (200')** feet from at least two (2) parking spaces.
 - b. Outdoor parking facilities for non-dwelling uses may be located in any yard at least **fifteen feet (15')** feet from any lot line unless joint facilities on adjoining lots are made a part of their approved Development Plans. See 6.01 (b). No non-dwelling use shall be located further than **five hundred feet (500')** ~~500-feet~~ from at least its required number of parking spaces.
 - c. Loading facilities shall be located entirely within enclosed main buildings or in side or rear yards at least **fifteen feet (15')**~~feet~~ from any lot line.
 - (5) **Measurement Standards:** The following standards for measuring parking and loading facilities shall apply.
 - a. The dimensions of parking spaces and related circulation areas shall be based on the minimum standards in Appendix C of the Resolution. (Effective 7/31/02)

EXHIBIT A

- (g) **Swimming Pools:** Swimming pools shall be located only in side or rear yards at least **fifteen feet (15')** feet from any lot line. Each such pool shall be fully enclosed by a permanently constructed chain link fence or equally secure fence or wall not less than four **feet (4')** feet nor more than six feet **(6')** feet in height. The openings on a chain link fence shall be not more than two **inches (2")** inches knuckled on the top and bottom. All gates shall be self-closing and self-latching with a latch not readily accessible for children to open. Such fences or walls shall be maintained in a safe and secure condition. 6/6/07
- (h) **Farm Markets:** Farm Markets are not prohibited in any district zoned for industrial, residential, or commercial uses. The use of any land for a farm market where **50 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 **is permitted**. Farm markets and **off-street** parking for such shall be located at least **25-feet twenty-five feet (25')** from any lot line. Two (2) parking spaces plus one (1) additional space per ~~200~~ **two hundred (200)** square feet of floor area used by the farm market shall be provided in addition to the other required parking and loading facilities on the lot.
- (i) **Signs:** Signs, not including billboards, shall be permitted and regulated as follows.
- (1) **Permitted B and I-1 District Signs:** One or more identification or business signs shall be permitted with their main use on the same lot in **all B and I-1 Zoning** Districts. The total area of all such signs on a single lot shall not exceed **one hundred and fifty (150)** square feet or three (3) square feet per foot of building frontage on the lot, whichever is smaller.
- a. One or more identification or business signs shall be permitted with their main use on the same lot in B and I **Zoning** Districts. 8/20/14
- b. The total area of all such signs on a single lot shall not exceed **one hundred and fifty (150)** square feet or three (3) square feet per foot of building frontage on the lot, whichever is smaller. 8/20/14
- (2) **Electronic Message Signs:** An electronic message sign shall be permitted in the B-1, B-1A, B-3, B-4 and I-1 ~~z~~**Zoning** districts and shall comply with all of the following regulations: 8/20/14

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- (3) **Permitted Temporary Signs:** In addition to other permitted signs, ~~prohibitive signs, or~~ temporary signs not exceeding two (2) square feet in area or located closer than one hundred (100) feet apart shall be permitted on any lot. Other temporary signs not exceeding fifteen (15) square feet in area or located closer than one hundred (100) feet apart shall be permitted on any lot, provided such signs are removed within six (6) months after being posted or erected. A zoning certificate shall be required for temporary signs greater than two (2) square feet. 5/19/04, 8/15/18 **Temporary signs shall not be illuminated.**

Temporary Signs Exceeding Fifteen (15) Square Feet in Area in any District: The owner of the lot shall provide written verification that such signs will be removed within six (6) months from the date of issuing the zoning permit. (5/19/04)

- (4) **Development Signs:** Development signs not exceeding **thirty-five (35)** square feet in area and other signs related to common open space or the movement of traffic on a lot shall be made a part of its approved Development Plan. See 6.01(b).
- (5) **Directional Signs:** No more than two **(2)** directional signs per lot in **all B and I-1** districts shall be permitted, provided such signs are located at least **three hundred (300)** feet from any R-1 or R-2 **Zoning** District, dwelling, public facility, cemetery or church. Directional signs shall not exceed **six (6)** square feet. (7/21/10)
- (6) **Other Signs:** Other signs not otherwise defined or classified, provided the general standards of the Resolution are met. See 6.05(a). (7/21/10)
- (7) **Location and Height:** Signs shall comply with the following regulations:
- a. Each sign shall be located at least one (1) foot from any lot line per square foot of sign area.
 - b. Freestanding signs located in a required yard shall not exceed six (6) feet in height.
 - c. Signs connected to a main building shall not project more than five (5) feet into a required yard. Such signs and other signs not located in a required yard shall not exceed **thirty-five feet (35')** feet in height or be located on the roof of any building.
- (8) **Measurement Standards:** The following standards for measuring signs shall apply.

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- g. Signs and support structures shall consist of weather resistant materials and shall be maintained in good repair and a safe condition. Broken or cracked sign faces or panels, missing letters, malfunctioning electrical or lighting components, and other visual damage or deterioration shall be repaired by the owner.

(j) **ACCESSORY DWELLING UNIT**

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 area within an accessory dwelling unit shall not include space for cooking facilities.
3. The maximum floor area shall be 800 square feet.
4. An attached garage, if separate from an attached garage serving the principal dwelling unit, shall not be permitted.
5. The principal single family dwelling unit and accessory dwelling unit shall be occupied by members of one family.
6. An accessory dwelling unit shall not be classified as a two-family dwelling as defined in this resolution.
7. 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.
8. In order to ensure compliance with the provisions of this section, an application for a zoning certificate shall include an "Affidavit of Fact Deed Addendum" pursuant to O.R.C. 5301.252 and as set forth, in the requisite form available from the Zoning Inspector. The affidavit shall be recorded with the County Recorder, after it has been executed by the real property owner(s) and reviewed by the Zoning Inspector. The zoning certificate shall not be issued until a copy of the recorded affidavit has been provided to the Zoning Inspector. **EXHIBIT A**

b. Wind turbines shall conform to 3.01 and 3.02.

c. The maximum number of wind turbines on a lot shall be one (1).

5.03 CONDITIONAL USES: Only those conditional uses defined in this Resolution and specified under a given district on Schedule 4.03(k) and Schedule 4A.05 may be approved in that district. In addition, the following regulations related to particular categories of conditional uses shall apply.

(a) **Cemeteries** (7/21/10)

- (1) **Location and Access: Cemeteries shall be a conditional use in the R-1 and R-2 Zoning Districts and** These uses shall offer natural or man-made features such as variations in grade and landscaping which will assure a compatible development pattern. ~~Direct access to or from local residential roads shall be prohibited; and a~~All points of access shall be located at least two hundred feet (200') ~~200 feet~~ from any road intersection. ~~4/19/13~~
- (2) **Development Standards:** In addition to the other standards of this Resolution (3.01), all main and accessory uses shall be enclosed by a **maximum** six (6) foot high fence or wall **and maintained** in good condition with appropriate security appurtenances.
- (3) **Maintenance Standards:** In addition to the other standards of this Resolution (3.02), limitations on the time or extent of operations, and certifications by applicable agencies on the legal nature of the use may be required.

(b) **Golf Course** (7/21/10)

- (1) **Location and Access:** Golf Courses shall be a conditional use in the R-1 and R-2 **Zoning D**istricts and shall comply with 3.07.
- (2) **Development Standards:** See 3.01 and in setting conditions the Board of Zoning Appeals shall consider the following:
 - a. The need for a sufficient buffer zone between the golf course/club, its accessory uses and the adjacent uses.
 - b. A golf course design which minimizes the opportunity for golf balls to be hit outside of the property boundary lines.
 - c. Lot areas, type of construction, parking facilities, traffic, fire hazards, offensive odors, smoke, fumes, noise and lights, the general character of the neighborhood, the nature and use of other premises, and the location and use of other buildings in the vicinity, and whether or not the proposed use will be detrimental to neighborhood property. **EXHIBIT A**

- f. That area of the lot subject to quarry regulations shall be fully enclosed along its perimeter by an earthen mound, opaque or Board of Zoning Appeals approved fence. The earthen mound or fence shall be a minimum of eight (8) feet in height and maintained in good condition and repair with appropriate security appurtenances.
- g. The area available for ingress and egress shall be a minimum of **sixty feet (60')** ~~60-feet~~ in width and constructed of an all-weather surface. Access ways shall be constructed of an all-weather surface of not less than 24 feet in width and shall be maintained free of dust at all times. A suitable area, with a radius of **fifty-five feet (55')** ~~55-feet~~, shall be provided at the point of termination of all access ways for a turnaround for firefighting and emergency apparatus. All entrances and exits to public roads shall be gated, which shall be locked when the operation has been closed for the day.
- h. Blasting shall not be permitted in conjunction with the quarry operation on the lot.
- i. Any accessory building or structure erected on the lot shall be completely removed from the lot upon cessation of mining activities or the termination of the conditional zoning certificate if it does not comply with the standards of the zoning district. Thereafter, such building or structure shall be subject to all applicable zoning district standards.

(4) **Maintenance Standards:** See 3.02. 7/21/10

(5) **Conditional Zoning Certificate Application:**

In addition to the items required by Section 6.01 of the Resolution, the applicant shall submit the following information with the application for a conditional zoning certificate:

- a. A map which clearly identifies the area of a subject to quarrying. Said map shall be prepared by and bear the seal of a professional engineer or professional land survey registered with the State of Ohio.
- b. A copy of the surface mining permit as required by Chapter 1514 of the Ohio Revised Code and a copy of all of the information required by Chapter 1514.02 of the Ohio Revised Code. If the conditional zoning certificate is granted, a copy of the surface mining permit as well as the annual report required by Section 1514.03 of the Ohio Revised Code shall be provided by the applicant on an annual basis to the Board of Zoning Appeals.

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of the neighborhood, the nature and use of other premises, and the location and use of other buildings in the vicinity, and whether or not the proposed use will be detrimental to neighborhood property.

- c. An occupancy permit issued by the Geauga County Building Department shall be required.

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3) **Maintenance Standards:** See 3.02.

- a. Noise shall not exceed the permitted limit for the zoning district in conformity with 4A.12.
- b. Any new or replacement lighting shall be full cut off and comply with the lighting requirements in 4A.11.
- c. Outdoor events involving tent activities shall be approved by the Zoning Inspector, the Auburn Township Volunteer Fire Department and the County Building Department.
- d. There will be a review of the conditions after one year of operation or as determined by the Board of Zoning Appeals

(e) **Hospitals:**

- (1) **Location and Access:** Hospitals shall be a conditional use in the **B-1**, B-1A, ~~B-3~~, and B-4 **Zoning Districts** and shall comply with 3.07. (7/21/10)
- (2) **Development Standards:** In addition to the other standards of this Resolution, see 3.01, side and rear yards shall be screened from adjoining lots with a six (~~6~~)-foot (**6'**) high fence, wall or dense hedge unless such yards are used for approved joint parking or circulation. Where a hospital lot is contiguous with any Residential District boundary as shown on the official township zoning map, a minimum buffer zone setback maintained within the hospital lot shall be **two hundred feet (200')** ~~200-feet~~. There shall be no buildings, structures, uses, off-street parking spaces or signs in the buffer zone setback. 9/3/08

- a. **Maintenance Standards:** See 3.02.

(f) **Billboards** (7/21/10)

- a. Conditional zoning certificate required: A billboard is an off-premises advertising sign and shall be classified as a conditional use. It shall be subject to applicable paragraphs in Article 6. (7/21/10)

playground, a public library or a day care center. The setback shall be measured from the nearest lot line to the nearest portion of a billboard.

6. A billboard shall be setback a minimum of **fifty feet (50')** ~~50 feet~~ from any front lot line. The setback shall be measured from the front lot line to the nearest portion of the billboard.

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7. A billboard shall be setback a minimum of **one hundred feet (100')** ~~100 feet~~ from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
8. A billboard shall be setback a minimum of **fifty feet (50')** ~~50 feet~~ from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.
9. A billboard shall be setback a minimum of **five hundred feet (500')** ~~500 feet~~ from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
10. A billboard shall be setback a minimum of **five hundred feet (500')** ~~500 feet~~ from any building on a lot. The distance shall be measured from the nearest portion of a building to the nearest portion of the billboard.
11. The maximum height of a billboard shall be **thirty-five feet (35')** ~~35 feet~~ measured vertically from the average finished grade within ten **feet (10')** ~~feet~~ of the support base or pole(s) supporting the billboard to its highest point, including any structural members.
12. The maximum sign face of a billboard shall be **three hundred (300)** square feet.
13. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.
14. A billboard projecting over a driveway shall have a minimum clearance of 13'-6" between the lowest point of the sign and the finished driveway grade.

- (2) **Maintenance Standards:** See 3.02. (7/21/10)
- (3) **Landscaping:** A landscaping buffer or other natural or man-made features may be required in any front yard and in any side or rear yard abutting a Residential District. All lights shall be shielded to direct light onto the storage buildings and away from adjacent property, and shall utilize down direct lighting that will not beam upwards into the sky, but may be of sufficient intensity to discourage vandalism and theft.
- (4) **Maximum Floor Area:** No individual Self-Storage rental unit shall exceed **two thousand (2,000)** square feet of floor area.
- (5) **Parking area:** The required parking shall not be located in the loading area of self-storage rental units.
- (6) **Building and Safety Requirements:** All construction shall conform to the Ohio Basic Building Code and the National Fire Protection Association Code as determined by the Geauga County Building Department. Each self-storage rental unit facility shall contain, at a minimum, the following requirements:
 - a. An alarm system shall be installed and maintained at all times that will provide for rapid notification to a central monitoring station who shall notify the dispatch service for the Township Fire Department. The alarm system shall utilize a system of heat detectors that will detect the rate of rise of heat. The system shall contain a battery backup.
 - b. The minimum distance between buildings shall be twenty (20) feet, so long as no parking is permitted in between the buildings, and in the event any parking spaces are designated between buildings, the minimum distance shall be increased to thirty (30) feet between such buildings.
 - c. The ingress and egress for such facility shall provide for a hard surface of a minimum of a fifteen (15) foot wide lane with a radius of fifty (50) feet at all cul-de-sacs or turnarounds in order for fire and other safety vehicles to be able to turn in and out of the facility.
 - d. Each facility shall install a Knoxbox, or similar equipment approved by the Township Fire Department, which will allow immediate access by the Township Fire Department to open the box and obtain any keys, access or scan cards or similar unlocking devices in order for the Township Fire Department to gain immediate access to every unit in the facility.

standpipe within twenty-five (25) feet of the first building located greater than three hundred (300) feet from the road entrance.

- i. When the Board of Zoning Appeals deems appropriate, it shall require each self-storage operator to install and maintain, at all times, one or more signs that are readily visible to all tenants of the self-storage rental units that flammable or dangerous materials may be encountered at the self-storage facility and they should enter at their own risk. However, nothing contained in this section shall be construed to allow or permit such materials to be stored in such units. The Board of Zoning Appeals shall also determine the locations at the facility where no smoking signs shall be installed, such locations to be based upon the Board's determination of the most likely places for said signs to be observed by persons entering the facility and require such signs to be installed at the appropriate locations.
- j. Each prospective tenant shall be required to provide two forms identification of the tenant to the operator, one of which shall be photographic identification such as a driver's license, State of Ohio identification card, or passport. A copy of such tenant identification cards shall be maintained at all times by the operator of the self-storage rental facility.
- k. The self-storage rental facility shall have a security system requiring the use of cards, keypads, keys or similar security devices limiting access to tenants as well as fire and police officials when required.

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- l. Upon receipt of an application for a conditional use certificate for a self-storage rental facility, the Board of Zoning Appeals may require a review of the proposed facility by the Geauga County Sheriff's Office to determine what safety measures may be required to enhance security and protection of property and surrounding properties, as well as the appropriate amount and location of landscaping in order to provide for drive-by patrolling by law enforcement officials to determine whether or not any unlawful entry or other criminal activity may be taking place at such facility. 8/15/18
- m. **The use of self-storage units for occupancy shall be prohibited, in accordance with the Ohio Revised Code 5322.04.**

- d. The Zoning Board of Appeals may request professional studies that may include, but not be limited to, noise analysis, visual screening, and traffic studies. These studies, if required, shall be provided at the applicant's sole expense.
- (4) **Required Parking Spaces:** Off-street parking spaces shall conform to the requirements specified in Schedule 4A.09 (c).
- a. **Location:** Off-street parking and loading areas shall be located in compliance with the minimum setbacks, measured from the road right-of-way or lot line, as specified in Schedule 4A.09 (d), unless otherwise noted.

(i) Auto Service Station.

- (1) **Location and Access:** Auto Service Stations shall be a conditional use in B-1, B-1A, B-2, and B-3, B-4 and I-1 Zoning Districts and shall comply with 3.07. (7/21/10)
- (2) **Development Standards:** In addition to 3.01 the following conditions shall apply:
- a. Fuel pumps must be under cover. The height of the underside of the canopy over the pumps shall be no greater than 16.5 ft.
 - b. All gasoline and fuel storage shall be underground.

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- c. All other storage shall be in a completely enclosed building.
 - d. Dumpsters/trash receptacles shall be located a minimum of fifty feet (50') feet from an adjoining zoning district. It shall be screened from adjacent lots and the road right-of-way. Incineration facilities are prohibited.
 - e. Fuel pumps and pump islands shall be located a minimum of fifty feet (50') feet from any adjacent property line, and not less than thirty feet (30') feet from any road right-of-way.
- (3) **Maintenance Standards:** In addition to 3.02 the following conditions shall apply:
- a. All routine maintenance and service of vehicles, other than the dispensing of fuel, oil, air, and windshield washer fluid, shall be in a completely enclosed building.

- a. Car wash facilities shall be located within a detached enclosed building except when combined with an Auto Service Station (5.03(i)).
 - b. The car wash facilities opening height can be no greater than ten (10') feet.
 - c. Only car wash facilities as defined herein are allowed. Self-service car washing facilities are prohibited.
 - d. All vacuum cleaners and customer trash receptacles must be located behind the car wash facility and screened from adjoining lots and the road right-of-way.
 - e. Storage of car wash facility supplies shall be within the car wash facility building on the lot or in a detached building that may be located behind the car wash facility with a minimum setbacks per 4A.07.
 - f. Dumpsters shall be screened from adjacent lots and the road right-of-way and shall not be located in front of the car wash facility building.
 - g. Vehicle entry and exit lanes shall be clearly identified using pavement markings and/or signage.
 - h. Any exterior hand drying area shall be located adjacent to the car wash facility tunnel exit.
 - i. Car wash facility shall comply with all applicable regulations for B-1, B-1A, B-3, B-4 and I-1 zoning districts.
- (3) **Maintenance Standards:** In addition to 3.02 the following conditions shall apply:
- a. All wastewater shall be contained, treated, and/or recycled meeting Ohio E.P.A. standards and regulations.
 - b. Outdoor vehicle storage is not permitted.
 - c. A report from a qualified hydrologist demonstrating that an adequate groundwater supply is available to serve the car wash facility shall be provided with an application for a conditional zoning certificate
 - d. Noise levels shall not exceed those set forth in 4A.12.

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- (2) Development Standards: In addition to 3.01, the following conditions shall apply:
- (a) Screening of topsoil and composting, including grinding and processing wood, yard waste and other materials to produce mulch or wood chips is prohibited, including mixing wood and yard waste with any other solid waste, organic products, top soil, or materials.
 - (b) Vehicles or landscaping equipment, including, but not limited to trucks, tractors, mowing equipment and trailers, may be stored inside an enclosed building, screened if located in the side yard, or located behind the principal building.
 - (c) Fuel pumps, fuel pump canopies, and fuel storage tanks shall not be located in front of any principal building, located no closer than thirty feet (30') from any side or rear lot line and inspected by the Auburn Township Volunteer Fire Department.
 - (d) Landscaping materials, including but not limited to stones, pavers, bricks, fertilizer, salt, and topsoil and similar products may be stored outside on a paved area. Bulk material, excluding mulch, shall be stored within 3-sided storage bins. Mulch storage shall be screened if located in the side yard or located behind the main building. Outdoor storage shall be in accordance with the applicable provisions of 5.02(d). All outdoor storage shall not exceed a height of twenty-five feet (25').
 - (e) Maximum lot coverage shall be in conformity with 4A.06 and 5.02(d)(2)(f).
 - (f) The affected lot shall be fully landscaped and screened in conformity with 4A.10.
 - (g) A landscaping and tree service business shall be in conformity with all applicable regulations for the I-1 District, including but not limited to, off-street parking spaces 4A.09(b), loading/unloading spaces 5.02(f), lighting 4A.11, signage 5.02(i), and outdoor display 5.02(c).
 - (h) Chemicals shall be stored in compliance with Ohio E.P.A. regulations.

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- (2) **Development Standards:** See 3.01, in addition to the other standards of this Resolution, side and rear yards shall be screened from adjoining lots with a six foot (6') high fence, wall or dense hedge; the only exception to this would be, if there is a contiguous parking lot. In such case, the end of the circulated parking lot must be screened in the same manner. Where a nursing home lot is contiguous with any Residential District boundary, a minimum buffer zone setback shall be one hundred feet (100'). There shall be no buildings, structures, uses, off-street parking spaces or signs in the buffer zone setback.
- a. The Board of Zoning Appeals may request professional studies, that may include, but not be limited to, noise analysis, visual screening, and traffic studies. These studies, if required, shall be provided at the applicant's sole expense.
 - b. An occupancy permit, issued by the County Building Department, shall be required.
 - c. Shall be licensed through the State of Ohio.
- (3) **Maintenance Standards:** See 3.02
- a. There will be a review of the conditions, after one (1) year of operation, or as determined by the Board of Zoning Appeals.

(q) Bed and Breakfast

- (1) **Location and Access:** A bed and breakfast shall be a conditional use in the B-1A and B-2 Zoning Districts and shall comply with 3.07.
- (2) **Development Standards:** See 3.01 and in setting conditions, the Board of Zoning Appeals shall consider the following:
- a. An occupancy permit, issued by the County Building Department, shall be required.
 - b. Approval from the Geauga County Health Department, the Ohio EPA shall be required, and any other applicable governmental agency, i.e. AV Fire Department.
- (3) **Maintenance Standards:** See 3.02.
- a. There will be a review of the conditions after one year of operation or as determined by the Board of Zoning Appeals.
 - b. Noise shall not be excessive and shall not exceed the limit for the zoning district in 4A.12.
- (4) **Required Parking Spaces:** Off-street parking spaces shall conform to the requirements specified in Schedule 4A.09 (c). **EXHIBIT A**

the same manner. Where a private school parcel is contiguous with any Residential District boundary, a minimum buffer zone setback shall be one hundred feet (100'). There shall be no buildings, structures, uses, off-street parking spaces or signs in the buffer zone setback

- (b) **Building and Safety Requirements:** All construction shall conform to the Ohio Basic Building Code and the National Fire Protection Association Code as determined by the Geauga County Building Department.
- (c) Proper and adequate signage per 5.02 (i) (3) and 5.02 (i) (5) (6) shall be installed to alert and warn vehicles of drop-off and pick-up areas and the existence of a school facility.

EXHIBIT A

- (d) The Board of Zoning Appeals may request professional studies that may include, but not be limited to, noise analysis, visual screening, and traffic studies. These studies, if required, shall be provided at the applicant's sole expense.
 - (e) An occupancy permit, issued by the County Building Department, shall be required.
 - (f) Shall be chartered by the Ohio Department of Education on behalf of the State Board of Education.
- (4) **Maintenance Standards:** See 3.02.
 - (a) There will be a review of the conditions after one year of operation or as determined by the Zoning Board of Appeals.
- (t) **Retail Sales of Products in Completely Enclosed Buildings** shall be a conditional use in a B-4 and I-1 Zoning District.
 - (1) Retail sales shall comply with 3.07 and shall be an accessory use and be limited to the products that are manufactured on site and in completely enclosed buildings.
 - (2) **Development Standards:** See 3.01.
 - (3) **Maintenance Standards:** See 3.02.

5.04 FIRE PROTECTION POND: A platted subdivision containing ten (10) or more total sublots, or a building or group of buildings on a lot containing more than 20,000 square feet of gross floor area, shall include a pond for fire protection constructed by the developing owner in accordance with the current standards and specifications of the Natural Resources

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ARTICLE 6

ADMINISTRATIVE PROVISIONS

6.01	Process	6.05	Board of Zoning Appeals Created
6.02	Zoning Inspector	6.06	Amendments
6.03	Commission	6.07	Violations and Penalties
6.04	Trustees		

6.01 PROCESS: No development defined in this Resolution shall begin prior to the issuance of a Zoning Certificate therefore by the Zoning Inspector. The process for obtaining such certificate is illustrated in Appendix D. 5/19/04, 8/15/18

(a) Applicability:

- (1) No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure nor shall any building, structure or real property be changed in use within the Township without obtaining a zoning certificate.**
- (2) No zoning certificate shall be issued unless the plans for the proposed building, structure or use fully comply with this Resolution:**
 - a. to provide for a greater height or bulk**
 - b. to accommodate or house a greater number of families or dwelling units**
 - c. to occupy a greater percentage of lot area**
 - d. to have narrower or smaller yards or open spaces or**
 - e. in any manner be contrary to the provisions of this Resolution**
- (3) No lot or yard existing at the time of the effective date of this Resolution and amendments shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of this Resolution shall be in conformity with the minimum requirements set forth herein.**
- (4) A lot shall have frontage on a road and shall be in conformity with all of the minimum area, frontage, width, yards (setbacks) and other applicable regulations contained in this Resolution or any amendment thereto in effect at the time of its recording with the county recorder.**

EXHIBIT A

- (b) **Applications:** The following applications accepted for processing by the Zoning Inspector shall be required.
- (1) **Zoning Certificate:** Depending on their proposed uses, Zoning certificate applications in all zoning districts shall be acted on by the Zoning Inspector. See 6.02 processed as follows. 8/15/18
 - a. ~~Proposed permitted main uses in flood prone areas or permitted main or accessory uses in B and I Districts shall be acted on by the Commission prior to action by the Zoning Inspector. See 6.02(a) and 6.03 (a). (Effective 7/31/02)~~
 - b. ~~Proposed permitted main and accessory uses in R-1 and R-2 Districts—except main uses in flood prone areas shall be acted on by the Zoning Inspector. See 6.02 (b).~~
 - (2) **Zoning Certificate for Conditional Use:** Depending on their proposed uses, Zoning Certificate applications for conditional uses applications in all zoning districts shall be processed as follows. shall be acted on by the Board of Zoning Appeals and Conditional Zoning Certificates will be issued by the Zoning Inspector. See 6.02 and 6.05.
 - a. ~~Proposed conditional uses except quarries shall be acted on by the Commission and Board; and Zoning Certificates issued by the Zoning Inspector shall be based on approval by the Board. See 6.02 (a), 6.03 (a) and 6.05 (e). 8/15/18~~
 - b. ~~Proposed quarries shall be acted on by the Board; and Zoning Certificates issued by the Zoning Inspector shall be based on approval by the Board. See 6.02 (a), 6.04 (a) and 6.05 (a) and (e). 8/15/18~~
 - (3) **Appeal:** Appeal applications based on any alleged error in the interpretation or administration of the Resolution affected by the Zoning Inspector shall be acted on by the Board of Zoning Appeals; and Zoning Certificate issued by the Zoning Inspector shall be based on approval by the Board of Zoning Appeals. See 6.02 (a) and 6.05 (d). 8/15/18
 - (4) **Amendment:** Amendment application made by one or more owners or lessees of property in the area affected shall be acted on by the Commission and Trustees. See 6.02 (a) and 6.06.
- (c) **Required Data:** The following application data in triplicate, or as may otherwise be required by this Resolution, shall be provided by the applicant.

EXHIBIT A

- (1) **Forms:** Each application shall include an application form supplied by the Zoning Inspector, and completed and certified by the applicant or his authorized legal representative.
 - (2) **Legal Descriptions:** Each application shall include a legal description of the subject lot or lots as recorded with the Geauga County Recorder; or, in the case of a platted subdivision, a copy of the plat showing the subject lot or lots as recorded with the Geauga County Recorder.
 - (3) **Development Plans:** Unless waived or modified by the Zoning Inspector, each application shall include a plan drawn to scale and certified by the applicant showing the exact dimensions and configuration of the subject lot or lots, and the exact size and location of all existing and proposed structures and development including finished grades at contour intervals of two (2) feet.
 - (4) **Property Owner Lists:** Each conditional use, appeal and amendment application shall include a list of the names and addresses of all current owners of lots contiguous to or across any road from the subject lot or lots.
11/19/13
 - (5) **Other Data:** If required by the Zoning Inspector, ~~Commission~~, Trustees or Board of Zoning Appeals, the following data shall be included.
 - a. Vicinity maps drawn to scale showing existing topography (U.S. Geological Survey or better), drainage courses, tree cover, land uses, zoning districts, and existing and proposed subdivisions and improvements relative to the subject lot or lots.
 - b. Architectural and engineering drawings of proposed overall site development and separate structures and improvements.
 - c. Reports on market research, traffic analysis, soil tests, water table records, environmental impact studies, and appraisals.
 - d. Development schedules and data on planned employment, occupancy and operations.
 - e. Legal data such as proof of ownership, certifications by applicable agencies on the legal nature of proposed uses and common open space documents.
- (d) **Development Plan Review Required:** Development Plan Review is required for ~~Planned Business Development in the B-1A, B-3 and B-4 Districts~~ and for all permitted uses in the B-2 District. See Article 8. (9/6/01) **EXHIBIT A**

- (e) **Fees:** The Trustees shall adopt a schedule of fees for the applications required by the Resolution; and such fees specified on their respective application forms may be changed only by the Trustees.
- (f) **Action Dates:** The following dates related to the processing of applications required by the Resolution shall apply.
 - (1) **Filing Date:** The filing date of each application shall be the date when all its required data and fees have been accepted by the Zoning Inspector, and certified by him on the application form.
 - (2) **Approval or Denial Dates:** For zoning certificate applications these dates shall be the date of action by the Zoning Inspector; for conditional use and appeal applications they shall be the date of action by the Board of Zoning Appeals; and for amendment applications the approval date shall be the effective date of the amendment, and the denial date shall be the date of denial by the Trustees or a referendum. 8/15/18

6.02 ZONING INSPECTOR: For the purpose of enforcing this Resolution, The position of Zoning Inspector is established according to Chapter 519 of the ORC and the Board of Township Trustees may establish the position of Assistant Zoning Inspector. The Board of Township Trustees shall fill the position of Zoning Inspector, together with such assistants as the Board of Township Trustees, from time-to-time, deem necessary, fix the compensation for such positions, and make disbursements for them. The Zoning Inspector and any Assistant Zoning Inspector, before entering into the duties of the office, shall be bonded in accordance with the Ohio Revised Code. The Zoning Inspector shall have the following powers and duties under this Resolution.

- (a) **Application Referrals:** Within five (5) days after the filing dates of certain applications, the following referrals shall be made by the Zoning Inspector.
 - (1) **Highway Director:** The Highway Director shall be notified by certified mail of any application affecting land within three hundred feet (300') 300-feet of the centerline of any proposed new or changed highway certified by him to the Township, or land within a radius of five hundred feet (500') 500-feet from the point of intersection of such centerline and any road. No such application shall be approved for 120 days after receipt by the Highway Director of notice thereof; and if within this period he notified the Zoning Inspector that the State shall proceed to acquire any of the subject land, the application shall be denied. 11/19/13
 - (2) **Commission:** All amendment applications proposing permitted main uses in flood prone areas or permitted main or accessory uses in B or I Districts, conditional uses except quarries, or amendments shall be referred to the Commission. See 6.06. 6.03 (a). (Effective 7/31/02) **EXHIBIT A**

- (3) **Board of Zoning Appeals:** All conditional use and appeal applications shall be referred to the Board **of Zoning Appeals**. See 6.05 (a) and (c) and 6.05 (e).
- (b) **Zoning Certificate Applications:** Within **thirty (30)** 30 days after its filing date and action by the Commission if applicable, or further time agreeable to the applicant, each zoning certificate application shall be acted on by the Zoning Inspector as follows.
8/15/18
- (1) **Approval:** If the application complies with all applicable provisions of the Resolution it shall be approved; and a Zoning Certificate shall be issued. 8/15/18
- (2) **Denial:** If the application does not comply with any applicable provision of the Resolution it shall be denied; and a copy of its filed application form giving the denial date, reasons for denial and **right to appeal** shall be returned to the applicant by certified mail. Within **twenty (20)** 20 days after receipt thereof, the applicant may appeal. See 6.02 (a)(4).
- (c) **Conditional Use Applications:** If directed by the Board **of Zoning Appeals**, the Zoning Inspector shall issue a conditional use certificate specifying all conditions of approval by the Board **of Zoning Appeals** of a given conditional use application; and a Zoning Certificate shall be issued. See 6.05 (e). 8/15/18
- (d) **Appeal Applications:** If directed by the Board **of Zoning Appeals**, the Zoning Inspector shall ~~issue~~ **notify the appellant that a variance has been granted** specifying all limitations of approval by the Board **of Zoning Appeals** of a given appeal application; and a Zoning Certificate shall be issued. See 6.05 (c) and (d). 8/15/18
- (e) **Notices and Orders:** (Effective 2/5/03)
- (1) **Revocation:** A zoning certificate shall be revoked by the Zoning Inspector if:
- The zoning certificate has been issued in error by the Zoning Inspector.
 - The zoning certificate was issued based upon a false statement by the applicant.
 - The development or use described in the zoning certificate has not begun within six (6) months from the date of issuance or if development has begun within six (6) months and said development has not been completed within two (2) years from the date of issuance.

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- (2) **Revocation Notice:** When a zoning certificate has been declared revoked by the Zoning Inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the zoning certificate. Such notice shall set forth the reason(s) for the revocation of the zoning certificate as well as the applicant's right to appeal to the township Board of Zoning Appeals in accordance with Article 6 of this Resolution. Such notice shall also include a statement that all construction upon or use of the building, structure, or land described in the zoning certificate shall cease unless and until a new zoning certificate has been issued. Continuance of construction after the owner has received this notice shall be a violation of the Resolution. See 6.07. (Effective 2/5/03)
- (3) **Violation:** If any development, **building, structure or** use ~~or structure~~ is believed by the Zoning Inspector to be in violation of the Resolution, it shall be cited; and notice thereof giving the violations, required remedies and right to appeal shall be sent to the owner of the property by certified mail. Said owner shall be deemed in violation of the Resolution if, after 20 days, response has not been received. See 6.07. (Effective 2/5/03)
- (4) **Stop Orders:** If any **development, building, structure or use** subject to ~~the~~ **this** Resolution is found to have begun without a Zoning Certificate, or if any development, use, **building,** or structure is believed by the Zoning Inspector to be a threat to public health or safety, **pursuant to this Resolution,** it shall be ordered to stop immediately; and notice thereof giving the date of the order shall be posted on the property **and sent by certified mail to the property owner.** Continuance of development, use or occupancy, **of the building or structure,** or removal or defacement of the order prior to written authorization by the Zoning Inspector to do so, shall be a violation of ~~the~~ **this** Resolution. See 6.07. 8/15/18

- (f) **Shall make inspections as required to fulfill the duties of the Zoning Inspector.**
- (g) **The Zoning Inspector upon finding that any provision of this Resolution is being violated, the Zoning Inspector shall notify, by certified mail, (return receipt requested), in writing, the person responsible for such violation, ordering the action to correct such violation.**
- (h) **The Zoning Inspector shall receive and act upon written complaints regarding violations of this Resolution. See 6.08**

EXHIBIT A

- (i) The Zoning Inspector shall take any other action authorized by this Resolution or by law to ensure compliance with or to prevent violations of this Resolution.
- (j) The Zoning Inspector shall keep a record of all actions taken in fulfillment of the duties imposed by this Resolution; and keep all documents including applications and complaints, which are received or made in connection with the duties of Zoning Inspector. All such records and documents shall be open for public inspection. Copies of such records and documents shall be made available to any member of the public in accordance with the Township's Records Policy.
- (k) The Zoning Inspector shall receive filings and transmit notices of appeals to the Board of Zoning Appeals.
- (l) The Zoning Inspector shall deposit all fees received with the Fiscal Officer within seven (7) days of receipt.
- (m) The Zoning Inspector shall review proposed preliminary plans and final plats for major subdivisions per the Geauga County Subdivision Regulations and sign and date the original mylar of such plans and plats to ensure proof of compliance with the applicable provisions of this Resolution.
- (n) The Zoning Inspector shall review proposed divisions of land that are not subject to platting and consolidations of lots pursuant to the Geauga County Subdivision Regulations and sign and date the survey map or plat with the appropriate language thereon to ensure proof of compliance with the applicable provisions of this Resolution.

6.03 COMMISSION: The Board of Township Trustees has created and established a Zoning Commission composed of five (5) members who reside in the township and the Board of Trustees may appoint two (2) alternate members, who reside in the township, in accordance with O.R.C. Section 519.04.

The two (2) alternate members shall be identified as first and second alternate, indicating the order in which they shall fill vacancies occurring on the Commission. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission. Alternate members are expected to attend all meetings of the Commission, even when they are not filling an absence. If a regular member fails to appear, by the start of the meeting, then the alternate member shall fill the absence of the regular member immediately.

EXHIBIT A

The start of the meeting begins at the call to order by the Chairman of the Zoning Commission. The Chairman presides over all meetings. In the absence of the Chairman, the Vice-Chairman shall preside. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the regular members shall be of such length and so arranged that the term of one (1) member will expire each year.

Where there is a County Planning Commission, the Board of Trustees may appoint qualified members of such Commission to serve on the Township Zoning Commission. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

Members of the Zoning Commission, including alternate members, shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees, upon written charges being filed with the Board of Trustees pursuant to the Ohio Revised Code, Section 519.04. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term. A suspension authorized by this section is not a vacancy for purposes of this section. The decision of the Board of Trustees regarding a suspension or removal may be appealed under O.R.C. Chapter 2506.

(a) The Commission established according to Chapter 519 of the ORC shall have the following powers and duties under this Resolution. (Revised 12/18/99).

(1) The Zoning Commission shall organize, adopt rules for the transaction of its business and keep a record of its actions and determinations.

(2) Initiate, review and make recommendations concerning amendments.
See 6.06.

(3) Follow all other duties outlined in the Resolution.

~~a) — Application Referrals: The Commission shall assist the Zoning Inspector and Board in their consideration of certain zoning certificate and conditional use applications referred by the Zoning Inspector. See 6.02 (a) (2). 8/15/18~~

EXHIBIT A

- ~~(2) **Standards:** The following standards shall be used by the Commission in its review and action on each application.~~
- ~~a. The data comprising the application shall be sufficient to determine its compliance with all provisions of the Resolution; and the applicant may be required by the Commission to submit other data. See 6.01 (b) (5).~~
 - ~~b. The application shall demonstrate that all applicable development and maintenance standards of the Resolution can be met. See 3.01 and 3.02.~~
 - ~~e. The application shall comply with all applicable district and supplementary regulations of the Resolution. See Articles 4 and 5.~~
- ~~(3) **Action:** Each application referral shall be recommended by the Commission for approval or denial based on the preceding standards. A copy of this action shall be transmitted by the Commission to the Zoning Inspector in the case of zoning certificate applications, and to the Board in the case of conditional use applications. In either case, no action shall be taken by the Zoning Inspector or Board for 30 days after the filing date of each application, or further time agreeable to the applicant. 8/15/18~~

~~(b) **Amendments:** See 6.06.~~

6.04 TRUSTEES: The Trustees shall have the following powers and duties under this Resolution.

(a) **Amendments:** See 6.06.

6.05 BOARD OF ZONING APPEALS CREATED: Pursuant to O.R.C. 519.13, the Board of Township Trustees shall appoint a **T**ownship Board of Zoning Appeals. ~~for said township,~~ composed of five (5) members who shall be residents of the unincorporated area in the township included in the area zoned. **The Board of Township Trustees may also appoint two (2) alternate members to the Board of Zoning Appeals.**

The terms of all **regular** members of said Board of Zoning Appeals, shall be of such length and so arranged that the term of one (1) member shall expire each year.

EXHIBIT A

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

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

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

- (a) **Powers of the Board of Zoning Appeals:** The Township Board of Zoning Appeals may:
- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of Sections 519.02 to 519.25 of the Ohio Revised code or of this Resolution.
 - (2) Authorize, upon appeal, in specific cases such variance from the terms of this zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
 - (3) Grant conditional zoning certificates for the use of land, buildings, or other structures in accordance with this Resolution. **If the Board considers conditional zoning certificates for activities that are permitted and regulated under Chapter 1514 of the Ohio Revised Code, or activities that are related to making finished aggregate products, the Board shall proceed in accordance with section 1514 of the Ohio Revised Code.**

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- (4) Revoke an authorized **variance or conditional zoning certificate** granted for the extraction minerals: **if: it has been issued in error, it was issued based upon a false statement of the applicant; the construction or use, as described in the conditional zoning certificate, has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance; the conditional use is voluntarily discontinued for a period of two years or more; or if any of the conditions set forth in the conditional zoning certificate are violated.**

~~If any condition of the or certificate is violated, t~~ The Township Board of Zoning Appeals shall notify the holder of the **conditional zoning** certificate by certified mail of its intent to revoke the certificate and of **the holder's** his right to a hearing before the ~~Township~~ Board of Zoning Appeals, within thirty (30) days of the mailing of this notice. ~~If he so requests.~~ If the holder requests a hearing, the ~~Township~~ Board of Zoning Appeals shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by ~~his~~ **the holder's** attorney or other representative, or he may present ~~his/her~~ his/her position in writing. ~~He~~ **the holder** may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the ~~Township~~ Board of Zoning Appeals may revoke the certificate without a hearing. The authority to revoke a certificate is in addition to any other means of zoning enforcement provided by law.

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

- (5) In exercising the above-mentioned powers, the ~~Township~~ Board of Zoning Appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end has all the powers of the ~~Township~~ Zoning Inspector from whom the appeal is taken.

EXHIBIT A

(b) Rules, Organization, and Meetings of Board of Zoning Appeals

- (1) The ~~Township~~ Board of Zoning Appeals shall organize and adopt rules in accordance with this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board of Zoning Appeals determines. The chairman, or in his absence the acting chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and be a public record.
- (2) The attendance of three (3) members of the Board of Zoning Appeals is required for a quorum. All decisions, motions, and actions of the Board of Zoning Appeals shall be by the affirmative vote of at least three (3) members of the board.
- (3) If the Board of Township Trustees appoints alternate members to the Board of Zoning Appeals in accordance with O.R.C. 519.13, the two (2) alternate members shall be identified as first and second alternate, which indicates the order in which they shall fill vacancies on the Board of Zoning Appeals. When filling an absence created by an absent regular member, the alternate member shall be subject to all responsibilities of a regular member under procedures prescribed by resolution of the Board of Township Trustees. Alternate members are expected to attend all meetings and hearings of the Board of Zoning Appeals, even when they are not filling an absence. Their status as an active or inactive alternate member shall be made clear to all in attendance at the meeting or hearing. If a regular member fails to appear at the start of a meeting or hearing, then the alternate member shall fill the absence of the regular member immediately and for all continuance meetings or hearings. The start of the meeting or hearing begins with the call to order by the Chairman of the Board of Zoning Appeals. The Chairman shall preside over all meetings or hearings. In the absence of the Chairman, the Vice-Chairman shall preside.**

When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

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(c) **Procedures of Board of Zoning Appeals**

- (1) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision of the ~~z~~-Zoning Inspector by filing with the Zoning Inspector or the Board of Zoning Appeals, a notice of appeal specifying the grounds of appeal. The Zoning Inspector shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
- (2) Written notices of appeal shall be made on forms provided by the Zoning Inspector and shall be signed and dated by the appellant or his authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal. **The Zoning Inspector or the Board of Zoning Appeals shall require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this Resolution.**

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

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

- a. The names, address, **email address**, and telephone number of the appellant.
- b. The names, address, **email address**, and telephone number of the owner of record.
- c. **The address of the property, if different from the appellant’s current address and permanent parcel number (PPN).**
- d. The names, **permanent parcel number (PPN)**, and addresses of all parties in interest from the County Auditor’s current tax list (all properties adjacent to and directly across the road from the subject property). 11/19/13

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- e. Documentation as to authority to file the notice of appeal (e.g. deed, power of attorney, lease or purchase agreement).
- f. A **copy of the deed and** legal description of the property, as recorded with the Geauga County Recorder.
- g. The current zoning district in which the property is located.
- h. A description of the existing use of the property.
- i. A description of the proposed use of the property.
- j. ~~Eight (8)~~ **Ten (10)** copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
 - 1. The dimensions (in feet) of all property lines and the total acreage of the property.
 - 2. The dimensions (in feet) of existing buildings or structures on the property, if any.
 - 3. The setback (in feet) from all property lines of existing buildings or structures on the property, if any.
 - 4. The dimensions (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - 5. **The total amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alterations to existing buildings or structures; and a copy of the floor plan for each building or structure.**
 - 6. The setback (in feet) from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - 7. The height (in feet) of existing buildings or structures on the property.

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8. The height (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
9. The name and location of the existing road(s), public and private, adjacent to the property.
10. The number of dwelling units existing (if any) and proposed for the property.
11. The location, dimensions (in feet), **setbacks from all lot lines, and number of parking spaces existing (if any) and proposed, and provide the surfacing material to be used.**
12. **The locations, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed and provide the surfacing material to be used.**
13. For commercial or industrial uses: the locations, dimensions (in feet) and number of loading/unloading spaces **existing (if any) and proposed. Provide the surfacing material to be used.**
14. The location and dimensions (in feet) of any existing or proposed easements on the property.
15. **The location and description of any existing and proposed landscaping and buffer areas.**
16. **The existing topography of the property and a final grading plan.**
17. **The location and height of any exterior lighting poles and fixtures, their maximum lumens, and documentation that they are and will be installed as full cut-off fixtures and properly shielded.**
18. **For nonresidential, commercial, and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the property.**
19. **The location and dimensions of a fire protection pond, if applicable.**

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- k. The number of the application for the zoning certificate
- l. All notices of appeal for signs shall include, at a minimum, the following information:
 - 1. ~~Eight (8)~~ **Ten (10)** copies of a drawing or map, drawn to scale with a north arrow and date showing:
 - a. The dimensions (in feet) of the sign.
 - b. The area of the sign in square feet (per sign face).
 - c. The location of the sign on the building, structure or property including dimensions (in feet) from the front and side lot lines.
 - d. The height (in feet) of the sign.
 - e. The method of illumination, if any.
 - f. ~~The content of the sign.~~ **The dimensions of the lettering and/or the elements of the matter displayed.**
- m. **Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.**
- n. **Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. See 3.05.**
- o. **The riparian setback regulations, set forth in 3.06, may apply and compliance may be required as a part of the application, to be shown on the site plan or map.**
- p. For notices of appeal alleging error by the Zoning Inspector, a written statement **on an application form provided by the Zoning Inspector** shall be made by the appellant or his authorized representative relative to the alleged error made by the Zoning Inspector in his determination of the application for the zoning certificate.

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- q. For notices of appeal requesting a variance the appellant or his representative shall provide the following:
1. A statement relative to the exact nature of the variance requested.
 2. The specific zoning regulation(s) shall be cited from which the variance is requested.
 3. Written justification for the variance shall be made by the appellant and the Board of Zoning Appeals shall determine if the proposed variance involves an “area” variance or a “use” variance.
 - (a) Standards for an “Area” Variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to the following:
 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 2. Whether the variance is substantial.
 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 4. Whether the variance would adversely affect the delivery of governmental services.
 5. Whether the property owner purchased the property with the knowledge of the zoning restriction.
 6. Whether the property owner’s predicament feasibly can be obviated through some method other than a variance.

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7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 - ~~8. Such other criteria which the Board of Zoning Appeals believes relates to determining whether the zoning regulation is equitable.~~
- (b) Standards for a “Use” Variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to the following:
1. Whether there are conditions unique to this lot, and not ordinarily found in the same zoning district. (5/19/04)
 2. Did the applicant create these hardship conditions? (5/19/04)
 3. Whether granting the variance would adversely affect the rights of adjacent owners. (5/19/04)
 4. Whether the variance would adversely affect the ~~delivery of governmental services or the~~ public health, safety and general welfare. ~~of the public.~~ (5/19/04)
 5. Is the variance sought the minimum which will afford relief to the applicant? (5/19/04)
 6. Is there another economically viable use for the lot which is permitted within this zoning district? (5/19/04)
 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. (5/19/04)
- r. The appeal fee shall be paid at the time of the submission of the application.

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(d) **Appeal Applications**

- (1) **Action:** The Board of Zoning Appeals shall fix a reasonable time for a public hearing on the appeal which shall commence not later than sixty (60) days from the date the notice of appeal has been filed with the Board of Zoning Appeals. The public hearing on the appeal may be continued from day to day for good cause shown.
The Board of Zoning Appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted: notice of any continued public hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.
- (2) **Hearings:** Hearings before the Board of Zoning Appeals shall be conducted in accordance with the following:
- a. Any person may appear in person or by attorney.
 - b. All testimony and evidence received by the Board shall be given under oath or affirmation administered by the chairman or in his absence the acting chairman of the Board of Zoning Appeals.
 - c. A party in interest shall be allowed:
 1. To present his position, arguments, and contentions;
 2. To offer and examine witnesses and present evidence in support thereof;
 3. To cross-examine witnesses purporting to refute his position, arguments and contentions;
 4. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments, and contentions;
 5. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.

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- d. The Board of Zoning Appeals shall be provided with the original plus ten (10) ~~eight (8)~~ copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the Board and safely kept and preserved by the Board.
 - e. An accurate record of the proceedings shall be kept and preserved by the Board of Zoning Appeals.
- (3) **Decisions:** Decisions of the Board of Zoning Appeals shall be in accordance with the following:
- a. All decisions shall include findings of fact of the Board **of Zoning Appeals** in support of the decision.
 - b. A decision of the Board **of Zoning Appeals** and the adoption of findings of fact shall be made at a public meeting of the Board **of Zoning Appeals**. The decision and the findings of fact of the Board shall be in writing and signed at a public meeting of the Board **of Zoning Appeals** by all members voting affirmatively thereon no later than thirty (30) days from the last date of public hearing.
 - c. The original written decision and findings of fact of the Board **of Zoning Appeals** of Zoning Appeals and all applications, notices of appeal, documents, exhibits, and evidence relating to the proceeding shall be filed by the Board of Zoning Appeals with the Township **Fiscal Officer** ~~Clerk~~ within five (5) days of the signing of the written decision and findings of fact by the Board of Zoning Appeals.
 - d. Copies of the written and signed decision of the Board of Zoning Appeals shall be sent by ordinary mail within two (2) days of the signing of the written decision to the Township Zoning Inspector and the appellant.
 - e. The date of the signing of the written decision by the Board of Zoning Appeals shall be the date of entry as provided in ORC2505.07 for purposes of appeal to the court of common pleas pursuant to ORC. Chapter 2506.

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- (4) **Supplementary Conditions on Variances:** The Board of Zoning Appeals, in deciding any appeal for a variance, may provide such supplementary conditions which are reasonably related to the requested variance and are not in conflict with, **and are specifically authorized by,** this Resolution and which the Board **of Zoning Appeals** deems necessary to protect the public health, safety, ~~and morals;~~ **and general welfare.** Any such supplementary conditions shall be made a part of the Board of Zoning Appeals' proceedings and shall be incorporated into the final decision by the Board approving a variance. Violations of such supplementary conditions, which are made a part of the written decision of the Board, shall be deemed a violation of this Resolution. (5/19/04)
- (e) **Conditional Use Applications:** The Board shall act on all conditional use applications referred by the Zoning Inspector. See 6.02(a) (4) **(3).**
- (1) **Standards:** The following standards shall be used by the Board in its review and action on each application.
- a. The data comprising the application shall be sufficient to determine its compliance with all provisions of the Resolution; and the applicant may be required by the Board to submit other data. See 6.01 (b)(5).
 - b. The application shall demonstrate that all applicable and development and maintenance standards of the Resolution can be met. See 3.01 and 3.02.
 - c. The application shall comply with all applicable district and supplementary regulations of the Resolution. See Articles 4, 4A and 5, particularly 5.03.
 - d. The development and uses proposed shall be in no way harmful or objectionable to the surrounding area, or impair its orderly development; and the application together with conditions required by the Board shall clearly demonstrate that the proposed development and use shall be in harmony with the surrounding area and neighborhood.
 - e. **The proposed driveway(s) is of adequate width and construction to accommodate expected vehicular traffic to be generated by the proposed use and will be reasonably constructed to permit access by firefighting, law enforcement, ambulance, and other safety vehicles. A traffic impact study by a qualified traffic engineer may be required.**

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(2) **Action: The Board shall act on each conditional use application as follows.**

a. **Transmittal of an Application to the Board of Zoning Appeals: Within seven (7) days after the receipt of a completed application for a conditional zoning certificate, the Zoning Inspector shall transmit said application to the secretary or chairman of the Board of Zoning Appeals.**

b. **Public Hearing:** Within **forty (40)** days after its referral by the Zoning Inspector to the Board, or further time agreeable to the applicant, the application shall be considered at a public hearing held by the Board. Notice of the date, time, place and subject of the hearing shall be published in one or more newspapers of general circulation in the Township, and sent by first class mail to the applicant and **other parties of interest including** all owners of lots contiguous to or across any road from the subject lot or lots, at least ten (10) days prior to the hearing. ~~The following items shall be considered at the hearing:~~ 11/19/13

- ~~1. Findings and recommendations by the Commission or Trustees. See 6.03 (a).~~
- ~~2. Opinions from the floor in person or by attorney.~~
- ~~3. Steps proposed by the Board to be taken in acting on the application including an additional hearing if it is mutually agreeable to the Board and applicant.~~

c. **Hearings shall be conducted in accordance with the following:**

- 1. Any person may appear in person or by attorney.**
- 2. All testimony and evidence received by the Board shall be given under oath or affirmation administered by the chairman or in his absence the acting chairman.**
- 3. An applicant and other parties of interest shall be allowed:**
 - (a) To present his position, arguments, and contentions.**
 - (b) To offer and examine witnesses and present evidence in support thereof.**

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- (c) To cross-examine witnesses purporting to refute his position, arguments, and contentions.
 - (d) To offer evidence to refute testimony offered in opposition to his position, arguments, and contentions.
 - (e) To proffer such evidence into the record, if the submission thereof is denied by the officer or body appealed from.
4. The Board of Zoning Appeals shall be provided with the original plus ten (10) copies of all exhibits that have been submitted. All exhibits submitted shall be marked for identification by the Board of Zoning Appeals and safely kept and preserved by the Board.
5. An accurate record of proceedings shall be kept and preserved by the Board of Zoning Appeals.
- d. Vote: Within **thirty (30)** days after its public hearing, or further time agreeable to the applicant, the application shall be approved or denied by the Board as follows.
- 1. Approval: If the application together with any conditions required by the Board complies with all applicable provisions of this Resolution, it shall be approved; and a copy of this action and all conditions of approval shall be transmitted by the Board **to the applicant by ordinary mail and** to the Zoning Inspector. See 6.02 (c).
 - 2. Denial: If the application does not comply with any applicable provision of the Resolution it shall be denied; and a copy of its filed application form giving the denial date, reasons for denial and right to appeal shall be returned to the applicant by certified mail **(return receipt requested) and to the Zoning Inspector**. The applicant may appeal to any court of competent jurisdiction according to law. **The date of the signing of the written decision by the Board of Zoning Appeals shall be the date of entry as provided in O.R.C. 2505.07 for purposes of appeal pursuant to O.R.C. Chapter 2506.**

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3. The original decision of the Board of Zoning Appeals and the application, legal notice, documents, exhibits, and evidence relating to the proceeding shall be filed by the Board of Zoning Appeals with the Fiscal Officer within five (5) days of the signing of the written decision by the Board.

e. **General Conditions for Conditional Zoning Certificates.**

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

1. A conditional zoning certificate shall not be transferred or assigned and a change of ownership of the affected property shall require the new property owner to obtain a new conditional zoning certificate.
2. A conditional zoning certificate for any of the uses provided in this Resolution shall be valid for a period not to exceed five (5) years from the date of issuance unless otherwise provided herein.

f. **Procedure for Revocation of Conditional Zoning Certificate**

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

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6.06 **AMENDMENTS:** This Resolution may be amended **in accordance with O.R.C. Section 519.12**, as follows.

- (a) **Initiation:** An amendment may be initiated by a Commission motion, Trustee resolution or **an** amendment application. See 6.01 ~~(a)(4)~~ **(b)(4)**.
- (b) **Commission Hearing:** **The Commission shall set a public hearing date** ~~W~~ **within forty (40) but not less than twenty (20) days after the Commission motion or receipt of a Board of Trustees resolution, or the filing date of the application, at which time the Commission shall hold a public hearing thereon.**
- (1) **County Referral:** Within five (5) days after the Commission motion **receipt of a Board of Trustees resolution, or the filing date of the application, a copy of the motion, resolution, or application and map, if a rezoning is proposed,** in addition to the text of the amendment shall be transmitted by the Commission to the County Planning Commission. ~~All~~ **The** recommendations by the County Planning Commission shall be considered at the public hearing.
- (2) **Property Owner Notice:** At least **ten (10)** days before the public hearing, **written** notice ~~of its date, time, place, subject and statement that the matter will subsequently be referred to the Trustees shall be sent by the Commission, by first class mail, to all owners of lots property within and contiguous to or or directly across any the road from the subject lot or lots area to be rezoned. Such notice, shall not be required in cases where with more than ten (10) such property owners parcels are included in the area to be rezoned, as provided on the Geauga County Auditor's current tax list. F; and failure to deliver the notice shall not invalidate the amendment. 11/19/13~~ **The written notice shall include: the time, date and place of the public hearing; that the Auburn Township Zoning Commission will be conducting the hearing, a statement that the motion, resolution or application is an amendment to the Zoning Resolution; a list of the addresses of all properties to be rezoned by the proposed amendment and of the names of owners of those properties as they appear on the County Auditor's current tax list; the present zoning classification of the property; the time and place where the motion, resolution or application proposing to amend the Zoning Resolution will be available for examination; the name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail; and a statement that after the conclusion of the hearing the matter will be referred to the Board of Township Trustees for its action.**

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- (3) **Published Notice:** At least 10 days before the public hearing, the aforementioned property owner notice shall be published in one or more newspapers of general circulation in the Township. **If the proposed amendment alters the text of the resolution, or rezones more than ten (10) parcels of land as listed on the County auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include the following: that the Auburn Township zoning Commission will be conducting the hearing on the proposed amendment; a statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution; the time and place where the text and maps of the proposed amendment will be available for examination for a period at least ten (10) days prior to the hearing; the name of the person responsible for giving notice of the hearing by publication; and a statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action.**
- (c) **Commission Action:** Within 30 days after its hearing, the Commission shall recommend to the Trustees, adoption, adoption with modification or denial of the amendment.
- (d) **Board of Trustees Hearing:** ~~Within 30 days after their~~ Upon receipt of the Commission's recommendation, the amendment, and the recommendation of the County Planning Commission, the Board of Trustees **shall set a public hearing date hold a public hearing on the amendment, which shall be within thirty (30) days from the date of receipt of the amendment. Notice of the hearing shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of the hearing.**
- (1) **Published Notice For Ten (10) or Fewer Parcels:** **If the proposed amendment intends to rezone ten (10) or fewer parcels as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following: that the Auburn Township Board of Trustees will be conducting the hearing; a statement indicating that the motion, application or resolution is an amendment to the Zoning Resolution; a list of all properties to be rezoned or redistricted by the proposed amendment and the proposed zoning classification of that property; the time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the hearing; and the name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail.**

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- (2) **Published Notice for More than ten (10) Parcels or a Text Amendment:** If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following: that the Auburn Township Board of Trustees will be conducting the hearing; a statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution; the time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing; and the name of the person responsible for giving notice of the hearing by publication.
- ~~(2) Property Owner Notices: At least 10 days before the public hearing, notice of its date, time, place and summary of the amendment shall be sent by the Trustees to all owners of lots contiguous to or across any road from the subject lot or lots. Such notice may be waived in cases with more than 10 such property owners. 11/19/13~~
- ~~(3) Published Notice: At least 10 days before the public hearing, the aforementioned property owner notice shall be published in one or more newspapers of general circulation in the Township.~~
- ~~(4) newspapers of general circulation in the Township.~~
- (e) **Board of Trustees Action:** Within **twenty (20)** days after **their its** hearing, the **Board of Trustees** shall adopt, adopt with modification or deny the Commission's recommendation. A **unanimous majority** vote of the **Board of Trustees** shall be required to modify or deny the Commission's recommendation.
- (f) **Effective Date and Referendum:** An amendment shall take effect **in thirty (30)** days after its adoption by the **Board of Trustees** unless there is presented to them **Board** a referendum petition signed by a number of ~~qualified voters~~ **registered electors** residing in the Township equal to not less than eight (8) percent of the total vote cast for all candidates for Governor ~~in the last preceding general election~~ at which a Governor was elected. Such petition shall request that the amendment be submitted to the electors of the Township for approval or rejection at the next primary or general election **that occurs at least ninety (90) days after the petition is filed.** No amendment for which a referendum vote has been petitioned shall take effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the County Board of Elections that the amendment has been approved, it shall take immediate effect.

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- (g) **Filing:** Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the County Planning Commission.

The failure to file any amendment, or any text or maps, or duplicates of any of these documents, with the office of the County Recorder or the County Planning Commission as required does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

- (h) **Application for a Zoning Amendment: Application forms for a zoning amendment to this Resolution shall be provided by the Zoning Commission, its secretary or at the Township's website, www.auburntownship.com.**
- (i) **Submission to the Director of Ohio Department of Transportation: Before any zoning amendment is adopted affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to the Board of Trustees and Zoning Inspector by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Board of Trustees shall give notice, by registered or certified mail to the Director of Transportation.**

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

- (j) **Trustee Action:** Within 20 days after their hearing, the Trustees shall adopt, adopt with modification or deny the Commission recommendation. A unanimous vote of the Trustees shall be required to modify or deny the Commission recommendation.

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- (k) **Effective Date and Referendum:** An amendment shall take effect 30 days after its adoption by the Trustees unless there is presented to them a referendum petition signed by a number of qualified voters residing in the Township equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in the last preceding general election at which a Governor was elected. Such petition shall request that the amendment be submitted to the electors of the Township for approval or rejection at the next primary or general election. No amendment for which a referendum vote has been petitioned shall take effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the County Board of Elections that the amendment has been approved, it shall take immediate effect.
- Replacement Page 5/19/04*
- (l) **Filing:** Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the County Planning Commission.

6.07 VIOLATIONS AND PENALTIES: The following provisions shall apply:

- (a) **Zoning Certificates:** Failure to obtain a Zoning Certificate shall be a punishable violation of this Resolution. Each Zoning Certificate shall specify the development and uses authorized; and no other development or uses shall be implied. Should a Zoning Certificate or other authorization be issued by a Township official or employee, which is in violation of any provision of the Resolution, such certificate or authorization shall be null and void. 8/15/18
- (b) **Prevention of Violations:** In addition to the provisions of this Resolution, the Trustees, County Prosecuting Attorney, Zoning Inspector or any owner of property especially damaged by a violation of the Resolution may institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. The Trustees may employ special counsel to represent them in any proceeding or action brought to prevent or remove a violation of the Resolution.
- (c) **Stay of Proceedings:** An appeal filed in accordance with this Resolution, or as otherwise provided for by law, stays all proceedings in the furtherance of the action appealed from unless the Zoning Inspector certifies to the Board that, by reason of the facts stated in the appeal application, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by an order by the Board, or the court of record on the case, to the Zoning Inspector.

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- (d) ~~Penalties: Violation or failure to comply with any provision of the Resolution shall constitute a misdemeanor. Any person who violates or fails to comply shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day of continuation of a violation or failure to comply may be deemed a separate offense; and the owner, tenant, architect, contractor, agent or any other person found guilty thereof may each suffer the aforementioned penalties.~~

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Resolution or any amendment to this Resolution. Each day's continuation of a violation of this Resolution may be deemed a separate offense. Actual penalties provided in ORC 519.99.

6.08 COMPLAINTS REGARDING VIOLATIONS

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

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ARTICLE 7 WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

ARTICLE 7

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

7.00	Purpose	7.04	Fees
7.01	Permitted Uses	7.05	Public Utility Exemption
7.02	Conditional Uses	7.06	Site Plan
7.03	Prohibited Areas		

7.00 Purpose

- A. It is the purpose of this Section of the Auburn Township Zoning Resolution to regulate wireless telecommunications antennas, towers, and facilities in order to promote public health, safety, and morals **general welfare** in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:
1. Protect residential districts and land uses from potential adverse impacts of wireless telecommunications towers, antennas and facilities.
 2. To accommodate the wireless telecommunications towers and facilities as authorized by the Federal Telecommunications Act of 1996 (Public Law 104-104) in order to enhance telecommunications services and competition particularly wireless telecommunications service.
 3. To promote colocation as an alternative to siting new wireless telecommunications towers and appurtenances; and to maximize the use of existing and approved towers and buildings to colocate new wireless telecommunications antennas.
 4. To consider the public health and safety issues surrounding wireless telecommunications towers and appurtenances.
 5. To protect adjacent properties from potential damage from wireless telecommunications tower failure through proper engineering and careful siting of such structures.
 6. To encourage monopole wireless tower construction where feasible.
- B. This resolution shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for

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authorization to place, construct, or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request has been duly filed. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. This resolution shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

7.01 Permitted Uses

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

- A. A wireless telecommunication antenna may be permitted on a lawfully existing telecommunications tower, with the necessary equipment shelter, as a colocation on said existing tower.
- B. A wireless telecommunications tower and appurtenant facilities may be permitted within a recorded electric high tension power line easement. A tower located within said easement shall not be subject to the regulations set forth in Section 7.02 (M), (T), and (V)(5).

7.02 Conditional Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged in the B-1, B-3, B-4, and I-1 district(s) or on a lot in any residential district used for lawfully existing nonresidential purposes limited to public safety departments; schools; churches; parks; or federal, state, county, or township buildings, or uses; or in the US 422 right-of-way, as a conditional use subject to the approval of the board of zoning appeals pursuant to the procedure set forth in Section 6.05 of this resolution and the following conditions as well as the regulations specified in this article.

- A. No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a designated 100 year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Geauga County.

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- B. No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a jurisdictional wetland as depicted on the maps published by the U.S. Fish and Wildlife Service, Department of the Interior, for Geauga County.
- C. A security fence not less than eight (8) feet in height shall fully enclose the base of the wireless telecommunications tower, the equipment building, and appurtenant facilities. Gates shall be locked at all times.
- D. Evergreen trees or shrubbery not less than eight (8) feet in height shall be planted along the exterior perimeter of the security fence so as to screen it from view. Existing vegetation on the site shall be preserved to the maximum possible extent. Landscaping on the site shall be continuously maintained and promptly restored as necessary.
- E. A report shall be prepared and submitted by a licensed professional engineer and shall provide proof of compliance with all applicable federal, state, and county regulations. The report shall include a detailed site plan as required by Section 7.06 of this resolution; a detailed description of the wireless telecommunications tower, equipment shelter, and appurtenances as well as the tower's capacity including the number and types of antennas it can accommodate; shall demonstrate compliance with the ANSI/EIA 222-F manual verifying the design and construction specifications for the tower; shall demonstrate that the tower is the minimum height necessary for its operation; and shall verify that radio frequency (electromagnetic) emissions are within compliance with the regulations of the Federal Communications Commission (FCC). A copy of the FCC license issued to the wireless telecommunications provider shall be submitted.
- F. A wireless telecommunications tower, equipment building, and appurtenances shall not be mounted on a building or structure listed on the National Register of Historic Places.
- G. A wireless telecommunications tower should be painted a neutral color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- H. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment shelter, and appurtenances or on the site.

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- I. No more than one (1) warning sign, the maximum size of which shall be six (6) square feet, shall be posted on the site as well as an emergency telephone number. The applicant shall also provide the fire department, the township police (or county sheriff's) department, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency. No other signs shall be posted on the site.
- J. A wireless telecommunications tower, equipment shelter, and appurtenances shall not be artificially lighted except to assure safety as may be required by the Federal Aviation Administration (FAA). If lighting is required, white strobe lights shall not be permitted unless no other alternative is allowed by the FAA. Proof of compliance with all FAA criteria shall be required and a copy of the review by the FAA shall be submitted.
- K. The applicant shall submit a plan documenting how the wireless telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.
- L. The driveway to the site shall be a minimum of ten (10) feet in width and shall be setback a minimum of ten (10) feet from the nearest side or rear lot line. There shall be a minimum of one (1) off-street parking space on the site.
- M. The colocation of antennas on lawfully existing towers or structures shall be preferred over the construction of new wireless telecommunications tower sites. If there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on a lawfully existing tower or structure within the geographic area to be served, including the areas set forth in Section 7.01, then with the zoning certificate application, the applicant shall list the location of every tower or structure and all the areas set forth in Section 7.01 that could support the proposed antenna(s) so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on a lawfully existing tower or structure or a technically suitable location is not available in any area set forth in Section 7.01. If another tower or structure or area set forth in Section 7.01 is technically suitable, the applicant must show that it has requested to colocate on the existing tower and the colocation was rejected by the owner of the tower or structure or that it has requested all property owners with technically suitable locations within a two (2)-mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 7.01 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to request for colocation within 30 days from the receipt of a written request sent by certified mail (return receipt requested) for colocation. If another telecommunications tower is technically suitable the applicant must further show

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that is has offered to allow the owner of that other tower to colocate an antenna(s) on another tower within the township, if such a tower exists and space is available on the tower for colocation, which is owned or controlled by the applicant on reasonable reciprocal terms and the offer was not accepted.

The applicant shall further demonstrate that colocation is not feasible for the following reasons.

1. The planned equipment would exceed the structural capacity of existing or approved towers or structures as documented by a licensed professional engineer; and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 2. The proposed equipment would cause radio frequency interference with other existing or planned equipment which cannot be prevented at a reasonable cost as documented by a licensed professional engineer.
 3. The existing or approved towers or structures do not have space on them to accommodate the proposed equipment so it can function effectively and reasonably as documented by a licensed professional engineer.
 4. Colocation would violate federal, state, or county regulations.
 5. The location of existing towers or buildings is not technically suitable due to topography or other impediments to transmission as documented by a licensed professional engineer.
 6. Existing or approved towers or structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
- N. The owner/operator of a free-standing monopole wireless telecommunications tower shall be required to allow colocation for a minimum of two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the zoning inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this regulation as well as all other applicable requirements, regulations and standards set forth herein.

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- O. The owner of any wireless telecommunications tower erected under this section shall be required to accept colocation of any other antenna(s) except upon a showing of technological nonfeasibility as set forth herein.
- P. A wireless telecommunications tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for additional users as set forth herein. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- Q. There shall be no storage outside of the security fence of equipment or other items on the site except during the construction period, for ordinary maintenance, or in times of a power outage.
- R. The minimum distance between wireless telecommunications towers including their appurtenant facilities shall be 1,250 feet.
- S. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances is discontinued for ~~60 consecutive days~~ **two (2) years or more**, said facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within 30 days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the conditional zoning certificate for the site shall be revoked following a hearing thereon by the board of zoning appeals. During any period of discontinuance of said telecommunications facility, the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject lot shall at all times be kept in good repair. ~~The board of zoning appeals shall require a cash or surety bond of not less than \$100.00 per vertical foot from natural grade as part of a conditional zoning certificate to ensure such conditions, including but not limited to the removal of the tower, are met. This bond must be filed with the township clerk and proof of current bond must be supplied to township clerk on a renewal due date basis.~~
- T. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.
- U. Wireless telecommunications towers, antennas, and appurtenances mounted to a building or structure.

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1. A wireless telecommunications tower, antenna, and appurtenances may be mounted to a lawfully existing building or structure (other than a dwelling) or to a proposed building or structure (other than a dwelling) when such tower, antenna, and appurtenances meets the provisions of this section.
 2. The maximum height of the tower, antenna, or appurtenances shall not exceed ten (10) feet above the highest point of the roofline and the transmission and receiving equipment, where feasible, shall be stored inside the existing building or structure or on the roof in an enclosure. If the wireless telecommunications tower or antenna is located on the roof of a building, it shall be located as far as possible away from the edge of the building. All wireless telecommunications towers, antennae, or appurtenances shall be painted or otherwise treated so as to match the exterior of the building. The foregoing does not preclude the use of small base stations and repeaters on the sides of buildings, utility poles or in ground mounted pedestals.
 3. There shall be no more than two (2) wireless telecommunications tower(s) or antenna(s) mounted on a legally existing building or structure.
 4. A wireless telecommunications tower, antenna, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, including minimum yards (setbacks), except as may otherwise be specified in this section of the zoning resolution.
 5. A written report prepared by a licensed structural engineer shall be submitted indicating that the building or structure upon which a wireless telecommunications tower, antenna, and appurtenances may be mounted will support same.
- V. Free-standing wireless telecommunications towers, antennas, and appurtenances
1. The maximum height of a freestanding monopole wireless telecommunications tower, including antenna(s) and appurtenances shall not exceed 200 feet.
 2. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances shall be 50% of the height of the tower within any zoning district.

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3. The maximum size of an equipment shelter accessory to a freestanding monopole wireless telecommunications tower shall be 400 square feet. The maximum height of an equipment shelter shall be 12 feet. ~~Within a residential zone, an equipment shelter shall be completely located below the natural grade of the ground.~~ There shall be no more than one (1) equipment shelter located on a lot in conjunction with a wireless telecommunications tower or antenna. An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.
4. A free-standing monopole wireless telecommunications tower shall be designed to support the collocation of at least three (3) antenna platforms of equal loading capacity.
5. A wireless telecommunications tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in this section of the zoning resolution.

7.03 Prohibited Areas

Except as noted in Sections 7.01 and 7.02, wireless telecommunications towers and facilities are prohibited in residential districts and no zoning certificate shall be issued therefor.

7.04 Fees

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

7.05 Public Utility Exemption

- A. ~~This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.~~ However, **Subject** to R.C. 519.211(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.

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- B. In the event a wireless telecommunications tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations set forth herein do not apply when the proposed location of the tower facility is in a nonresidentially zoned area of the township. The proponent of such a tower facility must file a written application with the zoning inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for the purpose of this exemption:
1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
 2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
 3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
 4. Whether the applicant conducts its operation in such a manner as to be a matter of public concern;
 5. Whether the good or service is vital;
 6. Whether there is a lack of competition in the local marketplace for the good or service;
 7. Whether there is regulation by a government authority and the extent of that regulation;
 8. Whether the applicant possesses the power of eminent domain.

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

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- C. If the zoning inspector determines to deny the applicant such "public utility" status, the inspector shall do so in writing and state the reasons therefor. Such decision of denial by the zoning inspector may not be a final decision by the township on the issue. Any determination by the zoning inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the board of zoning appeals pursuant to the procedures set forth in this zoning resolution. The decision of the board of zoning appeals shall be the final decision of the township on this issue.
- D. In the event a wireless telecommunications tower and appurtenant facility is proposed to be located in an unincorporated area of the township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this zoning resolution if it meets all of the criteria in 1, 2, and 3 above as follows:
1. All requirements of Section 7.05 A through C are met;
 2. The public utility provides both of the following by certified mail:
 - a. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language: A description of the property sufficient to identify the proposed location; and
 - 1) The public utility provides both of the following by certified mail:
 - 2) A description of the property sufficient to identify the proposed location; and
 - 3) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that the provisions of this zoning resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.
 - b. Written notice to the board of township trustees of the information specified in subsection D.2.a of this section; and

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

- E. In accordance with O.R.C. Section 519.211(E), any person who plans to construct a telecommunications tower within one hundred (100) feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence, stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice. As used in this section "residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such person to use the building as a personal residence.**

7.06 Site Plan

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

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

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- B. The site plan shall be based upon a survey, drawn to scale, have a north arrow, and show the location and dimensions of the wireless telecommunications tower and appurtenant facilities from all lot lines, buildings, structures, and public road right-of-ways. A copy of the structural design prints from the manufacturer shall be provided for a wireless telecommunications tower, antenna(s), and equipment shelter.
- C. The height of the telecommunications tower and all appurtenant facilities above grade shall be provided and all potential mounting positions and locations of antennas shall be shown in order to evaluate colocation opportunities.
- D. The dimensions of all buildings, structures, driveways, parking area, and all appurtenant facilities shall be provided.
- E. Existing easements of record and proposed easements with dimensions shall be shown.
- F. A copy of a title examination for the subject premises shall be submitted.
- G. The shipping weight of the wireless telecommunications tower, antenna(s), equipment shelter(s), and all appurtenances shall be provided. The delivery route shall be given and subject to review as to road weight limits.
- H. Proof of compliance with the Water Management and Sediment Control regulations in the Auburn Township's Zoning Resolution with respect to water management and sediment control shall be submitted. (Effective 11/17/04)
- I. **The riparian setback regulations contained in this Resolution shall apply and the appropriate setback shall be shown on the site plan.**

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ARTICLE 8

DEVELOPMENT PLAN REVIEW

8.01	Purpose	8.08	Review Criteria for Planned Business Development Reserved
8.02	Development Plan Review Required		
8.03	Preapplication Meeting Encouraged	8.09	Review Criteria for B-2 "Village" Retail District Development
8.04	General Development Plan Submission Requirements	8.10	Expiration of Development Plan Approval
8.05	Final Development Plan Submission Requirements	8.11	Fees
8.06	Review for Completeness	8.12	Significance of an Approved Final Development Plan; Plan Revisions
8.07	Development Plan Review Procedures		

8.01 PURPOSE: The purpose of this Article is to provide adequate review of proposed developments in those zoning districts where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

Development Plan Review is required for ~~Planned Business Development in the B-1A, B-3 and B-4 Districts and~~ for permitted uses in the B-2 District.

8.02 DEVELOPMENT PLAN REVIEW REQUIRED: Review of a general development plan and/or final development plan shall be conducted **as a prerequisite to the submittal of an application for a zoning certificate and** in compliance with the following:

(a) **General Development Plan.** A general development plan that indicates the general concept of development for an entire site, including the general location of use areas, open space and circulation patterns, shall be required for the following:

~~(1) All proposed Planned Business Development.~~ Reserved

(2) Applicants for projects in the B-2 District may, but are not required, to submit a general development plan.

(b) **Final Development Plan.** A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives, signs, and outdoor storage areas, shall be required for the following:

~~(1) Planned Business Development, following review and approval of a general development plan.~~ Reserved

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- (2) New construction of all permitted and conditional uses in the B-2 "Village" Retail District.
- (3) Any existing or previously approved development meeting the criteria of subsections ~~(b)(1)~~ and (b)(2) above that proposes to alter, reconstruct, or otherwise modify a use or site; including expanding the floor area of the permitted use, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

8.03 PREAPPLICATION MEETING ENCOURAGED: The applicant is encouraged to meet with the Zoning **Inspector Commission, or its designated representative**, prior to submitting an application for general development plan review or final development plan review. **The purpose of this meeting is to discuss early and informally allows informal discussion** with the applicant **for the purpose and effect of these zoning regulations and the criteria and standards contained within them.** ~~However, no action shall be taken at such a meeting and no discussions, opinion, suggestions or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Zoning Inspector. (Effective 7/07/04)~~

8.04 GENERAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS: An application for general development plan review shall include a plan for the entire area of the proposed project. Eight (8) sets of the application and the application fee shall be submitted to the Zoning Inspector. The general development plan shall include the following, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector:

- (a) The location of all existing structures and access points.
- (b) The general location of existing buildings, parking and access drives on parcels within 100 feet of the site.
- (c) The general location of all fee simple lots (if part of the project), development areas for other uses, parking areas, and access points.
- (d) Existing and proposed topography, major vegetation features, and wooded areas.
- (e) The general layout of the proposed internal road system, indicating the proposed right-of-way of all proposed public roads. 11/19/13
- (f) A summary table showing total acres of the proposed development, the number of acres devoted to each type of use, including roads and open space, and the number of dwelling units by type. 11/19/13
- (g) Proposed phases, if the project is to be developed in stages.

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- (h) Other information for the evaluation of the general development plan as deemed necessary by the Zoning Inspector.

8.05 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS: An application for final development plan review shall be required for each phase of development. ~~Eight (8)~~ **The application fee and three (3)** sets of the application and the application fee shall be submitted to the Zoning Inspector. The application shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

- (a) An accurate legal description prepared by or certified by a registered surveyor of the state.
- (b) A property location map showing existing property lines, easements, utilities and road rights-of-way. 11/19/13
- (c) A final development plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:
 - (1) Proposed ~~fee simple~~ lots for single-family detached dwellings.
 - (2) Use, location and height of existing and proposed buildings and structures, other than proposed units on fee simple lots. The final building location shall be determined by a registered engineer.
 - (3) Location of all public rights-of-way and private roads. 11/19/13
 - (4) Location and configuration of off-street parking areas and loading areas; arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking and circulation.
 - (5) Proposed and existing fences, walls, signs and lighting.
 - (6) Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles.
 - (7) Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and stormwater management.
 - (8) Dimensions of all buildings, setbacks, parking areas, drives and walkways.
- (d) Maps showing existing and proposed grading contours, wooded areas, wetlands and other environmental features.
- (e) Preliminary architectural plans for the proposed development or use, showing exterior elevations and building floor plans, prepared by a professional architect and/or engineer (plans shall contain their respective seal).

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- (f) Proposed landscaping and screening plans indicating the description of the location and nature of existing and proposed vegetation, landscaping and screening elements, as well as any existing trees to be removed.
- (g) Summary table showing total acres of the proposed development; number of acres devoted to each type of use including roads and open space; and number of dwelling units by type. 11/19/13
- (h) Documentation that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, grading, surface draining, floodplain and wetland regulations, if applicable.
- (i) Other information for the evaluation of the final development plan as deemed necessary by the Zoning Inspector.

8.06 REVIEW FOR COMPLETENESS: The Zoning Inspector shall review each submitted application to determine accuracy and compliance with the applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed complete and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

8.07 DEVELOPMENT PLAN REVIEW PROCEDURES: Development plans, both general and final, shall be reviewed according to the following procedures.

- (a) **Review of Development Plans.** The Zoning Inspector shall review the submitted application for completeness according to Section 8.06 and, when determined complete, shall distribute the application as follows.
 - (1) **Review by Zoning ~~Commission~~ Inspector.**
 - a. ~~The Zoning Inspector shall distribute all applications for development plan review to the Zoning Commission.~~ **Reserved**
 - b. The Zoning ~~Commission~~ **Inspector** shall review all development plans according to the appropriate criteria set forth in Section 8.08 or Section 8.09.
 - c. When deemed necessary to adequately review and evaluate the proposed development, the Zoning ~~Commission~~-**Inspector** may ~~require that the Zoning Inspector~~ request additional information from the applicant.

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- d. ~~The Zoning Commission Inspector shall review all proposed development plans, both general and final, at one or more of its public meetings.~~
- (2) **Review by Auburn Township Fire Department and Other Public Entities.** The application may be transmitted to appropriate township departments and other public agencies for review and comment. Any reports or comments shall be compiled and reviewed by the Zoning Inspector. ~~and transmitted to the Zoning Commission prior to the time of the Commission's review.~~
- (3) **Review by Consultants.** The application may be transmitted to appropriate professional consultants **retained by the Township** for review and comment. Any reports, comments, or expert opinions shall be compiled and reviewed by the Zoning Inspector. ~~and transmitted to the Zoning Commission prior to the time of the Commission's review.~~
- (4) **Review by Geauga County.** If the project includes a subdivision which is subject to review by Geauga County, or otherwise requires County approval, the final development plan shall be **submitted transmitted** to the County Planning Commission **or other affected County departments** for **informal** review and comment. ~~prior to the approval of a final development plan by the Township.~~
- (b) **Action by Zoning Commission. Inspector.** The Zoning Commission **Inspector** shall act on applications for Planned Business Development.
- (1) The Zoning-Commission **Inspector** shall make one of the following actions:
- a. Approve the development plan as submitted.
 - b. Approve the development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to:
 1. For General Development Plans - improvements to the general lot layout, open space arrangement or on-site control of access to roads. 11/19/13
 2. For Final Development Plans – improvements to the lot layout, open space arrangement, on-site control of access to roads or landscaping specifications. 11/19/13
 - c. Deny the development plan because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Commission-**Inspector** shall indicate the deficiencies and modifications to the development plan that, if made, would bring the development plan into compliance.

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- (2) ~~Failure of t~~ ~~The Zoning Commission~~ **Inspector** ~~to~~ **shall** act within 60 days from the date the application was determined complete, or an extended **time** period as may be agreed upon, ~~shall, at the election of~~ **by** the applicant, ~~be deemed a denial of the development plan.~~ **To approve, approve with conditions or deny it.**
- (c) **Action by Zoning Inspector.** The Zoning Inspector shall act on applications for all permitted uses in the B-2 “Village” Retail District.
- (1) ~~The Zoning Commission shall make a recommendation to t~~ **The Zoning Inspector shall act** within 60 days from the date the application was determined complete or an extended period as may be agreed to by the applicant **to approve, approve with conditions or deny it.**
- a. The application may be transmitted to appropriate professional consultants **retained by the Township** for review and comment. ~~during this time.~~ Any reports, comments, or expert opinions shall be compiled and reviewed by the ~~Zoning Commission before it makes a recommendation to the Zoning Inspector.~~
- b. In the event that ~~the Zoning Commission fails to make a recommendation~~ **no reports, comments, or expert opinions are received by the Zoning Inspector** within 60 days from the date the application was determined complete and the applicant does not agree to an extension, the Zoning Inspector shall make a decision ~~without a recommendation from the Zoning Commission~~ at the end of the 60 day period.
- (2) The Zoning Inspector shall make a decision ~~based on the advice and recommendation of the Zoning Commission~~ except as otherwise noted in subsection (1) above. The development plan shall be:
- a. Approved as submitted; or
- b. Approved subject to specific conditions not included in the plan as submitted, such as, but not limited to, on-site control of access to roads and landscaping specifications; or 11/19/13
- c. Denied because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Inspector shall indicate the deficiencies and modifications to the development plan that, if made, would bring the development plan into compliance.

8.08 REVIEW CRITERIA FOR PLANNED BUSINESS DEVELOPMENT: In reviewing plans for ~~Planned Business Developments~~, the Zoning Commission **Inspector** shall determine that the development plan complies with the following criteria.

EXHIBIT A

EXHIBIT A

- (a) **General Development Plan.** For a general development plan, the Zoning Commission **Inspector** shall determine that:
- (1) The appropriate use of property within and adjacent to the area will be safeguarded.
 - (2) The general layout of lots, groupings of buildings, and circulation systems within the proposed development are comparable with existing and proposed uses on adjacent property.
 - (3) The proposed development plan is in accordance with all applicable Auburn Township zoning regulations.
- (b) **Reserved PBD Final Development Plan.** ~~The application is intended to be the basis and standard for the eventual and complete development of the site and should ensure appropriate and compatible future development by others and therefore, for a Planned Business Development final development plan, the Zoning Commission **Inspector** shall determine that the following information is provided:~~
- ~~(1) Accommodation for utility easements including fire hydrants, sanitary sewers, and preliminary grading, drainage and stormwater management.~~
 - ~~(2) The general location of buildings depicting the bulk, height and spatial relationships of proposed building masses with adjacent development.~~
 - ~~(3) The character and materials of the buildings shall be compatible with one another throughout the entire development.~~
 - ~~(4) Roadway systems (public and private), service areas, parking areas, entrance, exits, and pedestrian walkways within the development and access to public roads, which minimize traffic hazards or congestion. 11/19/13~~
 - ~~(5) The number and location of access drives limited to reduce curb cuts, cut-through traffic, incidence of left turns, and adverse impact upon adjacent uses.~~
 - ~~(6) Internal directional traffic signage required to assure safe and orderly vehicular and pedestrian traffic.~~
 - ~~(7) Parking areas including circulation routes designed to service front parcels and main, rear or additional parking areas, and to permit travel between all parking areas. Parking lot lighting, including style and height, to direct lighting to access drives, pedestrian walkways, parking lots and buildings and not to adjacent residential areas as required by Section 4A.11.~~

- ~~(8) Accommodation and access for emergency and fire fighting apparatus.~~
- ~~(9) Screening and enclosure of trash and recycling containers as required by Section 4A.10, so as not to be visible from the public right of way or adjoining properties.~~
- ~~(10) Location of landscaping or screening as required by Section 4A.10.~~
- ~~(11) Preservation of significant natural features to the maximum extent possible, such as, but not limited to, streambeds, mature stands of trees, individual trees of substantial age or size, and rock outcroppings.~~
- ~~(12) Management plan or mechanism to provide for the perpetual maintenance of all landscaping and shared parking areas by the ultimate land buyer.~~
- ~~(13) Such other information as may be required to determine that the proposed development plan is in accordance with all applicable Auburn Township zoning regulations.~~

8.09 REVIEW CRITERIA FOR B-2 “VILLAGE” RETAIL DISTRICT DEVELOPMENT: In reviewing plans for development within the B-2 District, the Zoning Inspector shall determine that the development plan complies with the following criteria.

- (a) **General Development Plan.** For a general development plan, the Zoning Inspector shall determine that:
 - (1) The appropriate use ~~and value~~ of property within and adjacent to the area will be safeguarded.
 - (2) The general layout of buildings, parking and circulation systems within the proposed development are comparable with existing and proposed uses on adjacent property.
 - (3) The proposed development plan is in accordance with all applicable Auburn Township zoning regulations.
- (b) **Final Development Plan.** The application is intended to be the basis and standard for the eventual and complete development of the site and should ensure appropriate and compatible future development by others and therefore, for a final development plan, the Zoning Inspector shall determine that:

EXHIBIT A

- (1) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
- (2) Buildings are in proportion and scale with existing structures and spaces in the surrounding area.
- (3) Buildings enhance the creation of a small-scale “village” environment and are constructed according to the regulations set forth for the B-2 District in this Resolution.
- (4) The development will be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
- (5) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, ~~usual and normal swells~~, water courses and drainage areas, and shall comply with the applicable regulations in this Resolution. ~~and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.~~
- (6) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.
- (7) The proposed development plan is in accordance with all applicable Auburn Township zoning regulations.

8.10 EXPIRATION OF DEVELOPMENT PLAN APPROVAL: An approved development plan shall remain valid for a period of twelve (12) months following the date of its approval.

- (a) **General Development Plan.** If, at the end of that time, a final development plan has not been submitted to the Zoning Inspector, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Article.
- (b) **Final Development Plan.** If, at the end of that time, construction of the development has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Article. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.

8.11 FEES. Fees are as established by the Township Trustees. See also Section 6.01(c).

EXHIBIT A

- 8.12 SIGNIFICANCE OF AN APPROVED FINAL DEVELOPMENT PLAN; PLAN REVISIONS:** An approved final development plan shall become (for the proposed development) a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a ~~building permit~~ **zoning certificate**. All construction and development under any ~~building permit~~ **zoning certificate** shall be in accordance with the approved final development plan. Any departure from such plan shall be considered a violation of this Resolution. Any changes in an approved final plan shall be resubmitted for approval in accordance with this Article.

EXHIBIT A

**ARTICLE 9
SEXUALLY ORIENTED BUSINESSES**

9.01	Intent	9.05	Location
9.02	Purpose and Findings	9.06	Regulations
9.03	Definitions	9.07	Sign Regulations
9.04	Classifications	9.08	Severability

9.01 INTENT

WHEREAS, the **Auburn Township Zoning Commission and Board of Township Trustees** find that there is convincing documented evidence that **SEXUALLY ORIENTED BUSINESSES**, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that **SEXUALLY ORIENTED BUSINESSES**, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area: and

WHEREAS, the **Auburn Township Zoning Commission and Board of Township Trustees** desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the **Auburn Township Zoning Commission and Board of Township Trustees** have determined that locational criteria will serve to protect the health, safety, and general welfare of the people of this Township; and

WHEREAS, it is not the intent of this amendment to suppress any speech activities protected by the First Amendment, but to enact a content neutral amendment which addresses the secondary effects of **SEXUALLY ORIENTED BUSINESSES**; and

WHEREAS, it is not the intent of the **Auburn Township Zoning Commission and Board of Township Trustees** to condone or legitimize the distribution of obscene material, and they recognize that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the Township.

BE IT ENACTED BY THE ZONING COMMISSION AND BOARD OF TOWNSHIP TRUSTEES OF AUBURN TOWNSHIP, OHIO;

9.02 PURPOSE AND FINDINGS

- (1) Purpose. It is the purpose of this amendment to designate areas where SEXUALLY ORIENTED BUSINESSES may be located in order to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of SEXUALLY ORIENTED BUSINESSES within the Township. The provisions of this amendment do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this amendment to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this amendment to condone or legitimize the distribution of obscene material.
- (2) Findings. There is substantial evidence concerning the adverse secondary effects of adult uses on the community in findings incorporated the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), Young v. American Mini Theatres, 426 U.S. 50 (1976), and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), and on studies in other communities including, but not limited to Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma Township, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington. Said cases and studies have been reviewed by the Township.

9.03 DEFINITIONS

- (1) ADULT ARCADE means any place to which the public is permitted or invited where either or both (i) motion picture machines, projectors, video or laser disc players, or (ii) other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time: and where the images shown and/or live entertainment presented are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (2) ADULT BOOKS. ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas": or
 - (b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

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

- (3) ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (a) persons who appear in a "state of nudity" or "state of semi-nudity"; or
 - (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - (c) live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or
 - (d) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (4) ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (5) ADULT THEATER means a theater, concert hall, auditorium, or other commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (6) COVERING means any clothing or wearing apparel, including opaque pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
- (7) ESTABLISHMENT means and includes any of the following:
 - (a) the opening or commencement of any Sexually Oriented Business as a new business;

- (b) the conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;
 - (c) the addition(s) of any Sexually Oriented Business to any other existing Sexually Oriented Business; or
 - (d) the relocation of any Sexually Oriented Business.
- (8) NUDE MODEL STUDIO means any place where a person who appears seminude or who displays specified anatomical areas provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nude Model Studio shall not include:

- (1) a proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation.
 - (2) a private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - (3) an establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.
- (9) NUDITY or a STATE OF NUDITY or NUDE means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic area with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
- (10) PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (11) PRINCIPAL BUSINESS PURPOSE means forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for

consideration whichever is the greater.

- (12) SEMINUDITY or SEMINUDE CONDITION or SEMINUDE means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the male or female buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
- (13) SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (a) physical contact including wrestling or tumbling between persons of the opposite sex; or
 - (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
- (14) SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.
- (15) SPECIFIED ANATOMICAL AREAS means:
- (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - (b) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- (16) SPECIFIED SEXUAL ACTIVITIES means any of the following:
- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (b) sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - (c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.
- (17) SUBSTANTIAL ENLARGEMENT of a Sexually Oriented business means the increase in floor area(s) occupied by the business by more than twenty-five percent

(25%), of the floor area existing on the date this amendment takes effect.

9.04 CLASSIFICATIONS

SEXUALLY ORIENTED BUSINESSES are classified as follows:

- (1) adult arcades;
- (2) adult bookstores, adult novelty stores, or adult video stores; adult cabarets;
- (3) adult motion picture theaters;
- (4) adult theaters;
- (5) nude model studios; and
- (6) sexual encounter centers.

9.05 LOCATION

- (1) Sexually Oriented Businesses shall be classified as a conditional use and may be located only in accordance with the conditions contained below.
- (2) Sexually Oriented Businesses may be located only in those areas that are zoned as an I-1 District.
- (3) No Sexually Oriented Business may be established on any lot which has frontage, borders on or touches U.S. Route 422 (U.S.R. 422) or State Route 44 (SR44).
- (4) No Sexually Oriented Business may be established within 600 feet of:
 - (a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. For purposes of determining the distance of 600 feet provided hereinabove, a school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - (c) A boundary of a residential district as defined in the Zoning Resolution;
 - (d) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park,

playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar publicly-owned land within the Township under the control, operation, or management of either the Township or some other public entity;

- (e) A private entity the mission or purpose of which is dedicated towards children and families;
 - (f) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State of Ohio.
- (5) No Sexually Oriented Business may be established within 600 feet of any permanent structure devoted to a residential use as defined in the Zoning Resolution.
 - (6) No Sexually Oriented Business may be established, operated or enlarged within 600 feet of another Sexually Oriented Business.
 - (7) Not more than one Sexually Oriented Business shall be established or operated in the same building, structure, or portion thereof, and the floor area of any Sexually Oriented Business in any building, structure, or portion thereof containing a Sexually Oriented business may not be increased.
 - (8) For the purpose of subsections (4) and (5) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Sexually Oriented Business is conducted, to the nearest portion of the building or structure of a use listed in subsection (4) and (5).
 - (9) For purposes of subsection (6) of this Section, the distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to the intervening structures or objects, from the portion of the building or structure in which each business is located.

9.06 REGULATIONS ~~CONDITIONS~~

- (1) Lot requirements for Sexually Oriented Businesses are those specified for the I-1 District in Articles 4A.04 and 4A.06 of this Zoning Resolution.
- (2) Yard requirements for a Sexually Oriented Business are those specified for I-1 District in Article 4A.07 of this Zoning Resolution.
- (3) Maximum Height Regulations for a Sexually Oriented Business are those specified in Article 4A.08 of this Zoning Resolution.
- (4) Parking requirements for a Sexually Oriented Business are governed by the provisions contained in Articles 4A.04 and 4A.09 of this Zoning Resolution.
- (5) Landscaping and Screening Requirements for a Sexually Oriented Business shall be those specified in Article 4A.10 of this Zoning Resolution.
- (6) Development and Design Guidelines for a Sexually Oriented Business shall be those specified in Article 8 of this Zoning Resolution.
- (7) Noise Regulations for a Sexually Oriented Business shall be those specified in Article 4A.12 of this Zoning Resolution.
- (8) Outdoor Lighting Regulations for a Sexually Oriented Business shall be those specified in Article 4A.11 of this Zoning Resolution.
- (9) A sexually oriented business shall be conducted within a fully enclosed building.**
- (10) Management personnel shall be present at all times when a sexually oriented business is open for operation.**
- (11) Written proof of compliance with the rules and regulations of the County Building Department, County Water Resources Department, County General Health District Department of Public Health, Township Fire Department, and such other state and federal codes as may be applicable shall be provided to the Zoning Inspector.**
- (12) A sexually oriented business shall comply with such other specific conditions related to the promotion and protection of the public health, safety, morals, and general welfare as determined by the Board of Zoning Appeals.**

9.07 SIGN REGULATIONS

- (1) All signs shall be "wall signs," defined as a sign attached to or painted on the wall of a building or structure with the sign face parallel or approximately parallel to the wall, with a maximum allowable sign area of thirty-five (35) square feet as measured in accordance with the standards specified in Article 5.02(i)(8) of this Zoning Resolution, and shall comply with the location and height standards specified in Article 5.02(i)(7) of this Zoning Resolution and the Development and Maintenance Standards specified in Article 5.02(i)(9) of this Zoning Resolution. 3/6/13
- (2) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or road in front of the building. 11/19/13

9.08 SEVERABILITY

If any section, subsection, or clause of this amendment shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

All amendments or parts of amendments in conflict with the provisions of this amendment are hereby repealed.

Exhibit 8A

Geauga County **DRAFT** 6/16/2022 Planning Commission

470 Center Street, Building 1-C Chardon, Ohio 44024

Telephone: (440) 279-1740 • Email: Planning@co.geauga.oh.us

<https://co.geauga.oh.us/Departments/Planning-Commission>



How Do I Split My Property?

Where Do I Start?

The Geauga County Planning Commission and its staff enforce the Geauga County Subdivision Regulations and oversees all land division proposals for properties located within the townships (unincorporated areas). The purpose of this review is to ensure new lots comply with the applicable government regulations before the lot is officially recorded. Anyone interested in splitting their property is advised to contact the Geauga County Planning Commission staff to discuss the proposal as well as the applicable Township Zoning Inspector regarding zoning regulations prior to having any survey work performed. If the proposal requires a variance, it will need to be acted on prior to action by the Planning Commission staff. Depending on the proposal, septic system approval may be required. To officially start the process, you will need to hire a surveyor to prepare the survey map and description to illustrate the proposal.

Types of Lot Splits

Minor Subdivision:

Proposal involving no more than five (5) lots, any one of which contains 5 acres or less from the original tract not involving any new streets or easements of access, as established on September 30, 2005.

Large Lot Subdivision:

Proposal involving lots over 5 acres and up to and including 20 acres in size not involving any new streets or easements of access.

Lot Consolidation:

Combination of 2 or more parcels

Exempt Land Division Over 20 Acres:

A division or partition of land into parcels of more than 20 acres not involving any new streets or easements of access.

Transfer to Adjacent Owner (Lot Line Adjustment):

The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites. A consolidation deed is required as part of this type of land division.

1. Lot Area is Calculated Exclusive of the Road Right of Way
2. Major Subdivision: Any division of real property other than a minor subdivision, large lot subdivision, or land division exempted from the Subdivision Regulations requires the submission of a plat. Contact the staff for more details.
3. See the County Subdivision Regulations for a full description of the lot split/consolidation process located in Article III

Minor Subdivisions & Large Lot Subdivisions ONLY

Who's Involved?

1. Surveyor provides the survey and legal description(s) to the County Tax Map Department who reviews the technical aspects of the survey and legal description(s) to meet the County's conveyance standards. The County Tax Map Department will place their approval stamp on both the survey and legal description(s).

County Tax
Map
Department

2. County Health Department performs an on site inspection for any proposed lot to review the proposed primary and replacement septic areas regardless if the property is vacant. They will issue a "lot evaluation" approval form once the evaluation is complete. Please see the County Health Departments website for all the steps required. **The lot evaluation process can be started before the survey is complete. ***

County
Health
Department

3. The County Planning Commission receives the approved survey and legal description(s) from the County Tax Map Department and reviews them for compliance with the County Subdivision Regulations. The following are required for a complete application:

- Application form(s)
- \$150.00 fee per new lot
- Health Dept. lot evaluation approval form
- 2 full size copies of the survey and legal description(s)

County
Planning
Commission

4. Once a complete application is submitted, the County Planning Commission mails the survey and legal description(s) to the Township Zoning Inspector, who reviews the proposal to make sure it complies with zoning. They will sign the survey and mail it back to the Planning Commission.

Township
Zoning
Inspector

5. The County Planning Commission issues an approval letter to the applicant indicating the new deed(s) can be prepared. The applicant submits the newly prepared and signed deed(s)(with the approved legal description(s) attached) to the County Planning Commission staff for approval. A title company or attorney can assist with preparing the required deeds.

County
Planning
Commission

6. The applicant picks up the approved deed(s) from the Planning Commission and submits to the County Auditor's Office for transfer & the last step is to submit the deed(s) to the County Recorder to be officially recorded. If the deeds are not recorded, the lots are not created

County Auditor
and County
Recorder

*Note: If multi-family or non-residential property is involved, approval of the septic system is required from the Ohio EPA. For lots served by sanitary sewer require approval by the County Department of Water Resources.

Exempt Lot Split Over 20 Acres, Consolidations, & Transfer to Adjacent Owner ONLY

Who's Involved?

1. Surveyor provides the survey and legal description(s) to the County Tax Map Department who reviews the technical aspects of the survey and legal description(s) to meet the County's conveyance standards. The County Tax Map Department will place their approval stamp on both the survey and legal description(s).

County Tax
Map
Department

2. The County Planning Commission receives the approved survey and legal description(s) from the County Tax Map Department and reviews them for compliance with the County Subdivision Regulations. The following are required for a complete application:

- Application form(s)
- 2 full size copies of the survey and legal description(s)

County
Planning
Commission

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Township
Zoning
Inspector

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County
Planning
Commission

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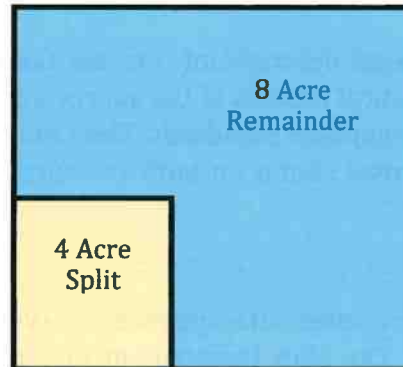
County Auditor
and County
Recorder

Examples of Lot Splits and Consolidations

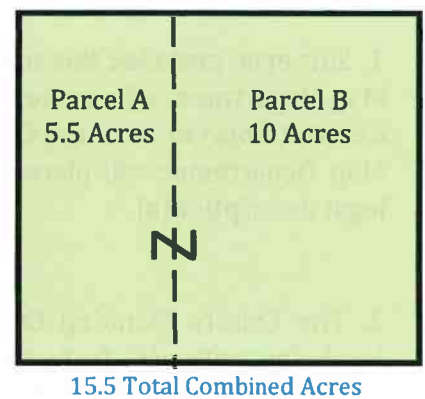
Large Lot Subdivision



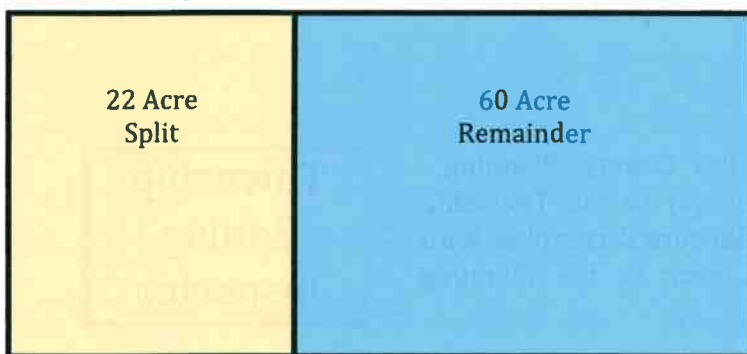
Minor Subdivision



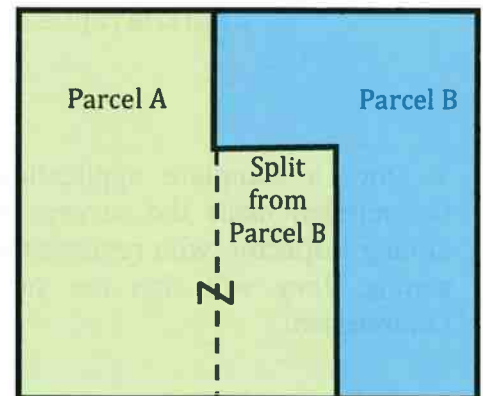
Lot Consolidation



Exempt Land Division Greater Than 20 Acres



Transfer to Adjacent Owner
(Lot Line Adjustment)



Contacts

County Engineers Office Tax Map

Dept. 12665 Merritt Rd.
Chardon, Ohio 44024
(440) 279-1855
Email: TaxMap@geauga.oh.gov

County Dept. of Water Resources

470 Center Street, Building No. 3
Chardon, Ohio 44024
(440) 279-1970
<https://www.gcdwr.org/>

County Health Department

470 Center Street, Building No. 8
Chardon, Ohio 44024
(440) 279-1914
<http://gphohio.org/>

County Auditor's Office

Courthouse Annex 231 Main Street, Suite 1A
Chardon, Ohio 44024
(440) 279-1600
<https://auditor.geauga.oh.gov/>

County Recorder's Office

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Chardon, Ohio 44024
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Exhibit 9A

ARTICLE I

GENERAL PROVISIONS

Section 100.0 Title

This resolution shall be known as "The Zoning Resolution of _____ 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 _____ Township, Geauga County, Ohio.

Section 102.0 Purpose of Zoning Resolution

Pursuant to O.R.C. Section 519.02, except as otherwise provided in this section, in the interest of the public health and safety, the board of township trustees may regulate by resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board by resolution, in accordance with a comprehensive plan, may regulate the location of, set back 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 property only, the height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, sizes of yards, courts, and other open spaces, and the density of population in the unincorporated territory of the township. For all these purposes, the board 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 any district or zone, but the regulations in one (1) district or zone may differ from those in other districts or zones.

Note: The following pertains to mineral extraction (surface mining) activities only.

For any activities permitted and regulated under Chapter 1513. or 1514. of the Ohio Revised Code and any related processing activities, the board of township trustees may regulate under the authority conferred by this section only in the interest of public health or safety. Additional purposes of this resolution are:

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

Section 103.0 Provisions of Resolution Declared to be Minimum Requirements

In their interpretation 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 O.R.C. Section 519.21(B). See Article XVII, Section 1701.0.
- 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 O.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. See Article XVII, Section 1702.0.
- 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 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 Ohio Revised Code.
- F. This resolution does not apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for that purpose, having wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) megawatts or more.
- G. Pursuant to O.R.C. Section 5502.031, this resolution does not preclude amateur radio service communications and does not restrict the height or location of amateur station antenna structures in such a way as to prevent effective amateur radio service communications and shall comply with 47 C.F.R. 97.15.
- 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. However, this resolution does regulate such factors pertaining to agritourism, except farm markets as described in paragraph "D" of this section, as size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety. See Article XVII, Section 1705.0. Nothing in this section requires any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement. Nothing in this section prohibits the use of any land or the construction or use of buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture as provided in paragraph "A" of this section. As used in this section, "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 fiscal officer, and may be altered or amended only by resolution of the board of township trustees. Each application for a zoning certificate, amendment, or conditional zoning certificate and notice of appeal shall be accompanied by the fee so established.

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

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

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

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

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

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

Section 107.0 Computation of Time

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

Section 108.0 Specific Provision Prevails Over General; Exception

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

Section 109.0 Irreconcilable Amendments

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

Section 110.0 Continuation of Prior Amendment

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

Section 111.0 Effect of Amendment

The amendment of this resolution does not:

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

Section 112.0 Annexed Territory

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

Section 113.0 Severability

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

EXISTING SEVERABILITY LANGUAGE IS LOCATED ABOVE IN SECTION 113.0, PROPOSED LANGUAGE IS LOCATED BELOW. SEE SIDE COMMENTS

Every provision in this Resolution and every application of its provisions is severable from each other as a matter of state law. If any application of any provision in this Resolution to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Resolution and the application of its provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Resolution shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the Township's Trustees' intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Resolution invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

Commented [LMC1]: Prosecutor's Office: This wording was relocated here from Section 700.2 as only one Severability Clause should be in the Model. Existing language will be deleted with the final version.

Commented [LMC2]: Prosecutor's Office: only reference the "Township" here and remove "Trustees" as they are individuals.

ARTICLE II
DEFINITIONS

Section 200.0 Interpretation of Terms or Words

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

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

Note: An alternative dictionary may be cited, if desired.

Section 201.0 Words and Terms Defined

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

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

"Agriculture" includes farming; algaculture meaning the farming of algae; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or

mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

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

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

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

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

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

"Basement" means a portion of a building or structure with at least one-half (1/2) 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.

"Breezeway" see Section 402.2(B).

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

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

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

"Building line" see "setback line."

"Cemetery" means real property used for the interment of human remains including any one (1) or a combination of more than one (1) of the following: a burial ground containing plots designated for earth interments or inurnments, a mausoleum for crypt entombments, or a columbarium for the deposit of cremated remains.

"Certified foster home" means a foster home as defined in O.R.C. Section 5103.02, certified under Section 5103.03 of the Ohio Revised Code.

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

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

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

"Collector's vehicle" means any motor vehicle, or agricultural tractor or traction engine as defined in O.R.C. Section 4501.01(F), that is of special interest, that has a fair market value of one hundred dollars (\$100.00) 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 is not the owner's principal means of transportation.

"Collector's vehicle, licensed" means a collector's vehicle other than an agricultural tractor or traction engine as defined in O.R.C. Section 4501.01(C) that displays current, valid license tags issued under O.R.C. Section 4503.45.

"Collocation" means locating wireless telecommunications antennas and appurtenant equipment from more than one (1) provider on a single wireless telecommunications tower site.

"Commercial motor vehicle" means any motor vehicle designed and used for carrying merchandise or freight, or used as a combination tractor-trailer or commercial tractor by drawing other vehicles whether independently or by carrying a portion of such other vehicle or its load, or both.

"Compost" means a humus-like organic material resulting from the biological decomposition of solid waste which may include a chemical change.

"Composting" means the managed process of biological decomposition of solid waste, which may include a chemical change, under controlled conditions resulting in compost.

"Conditional use" means a specific use listed in this resolution within a zoning district, other than a permitted use, and classified as a conditional use requiring approval by the board of zoning appeals subject to the conditions set forth in this resolution and the issuance of a conditional zoning certificate.

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

"County" means Geauga County, Ohio

"Cul-de-sac" means a road, one (1) end of which connects with another road, and the other end of which terminates in a vehicular turnaround.

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

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

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

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

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

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

"Dwelling" means a fully enclosed building or structure (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one (1) 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, two family" means a dwelling consisting of two (2) dwelling units to be occupied by two (2) families only.

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

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

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

"Easement" means the right of a person, governmental entity, public utility, or other firm to use public or private land owned by another for a specific purpose as established by an instrument

of record in the county recorder's office.

"Economically significant wind farm" see Article VIII, Section 801.1(A).

"Electronic digital display" means the portion of a changeable copy sign which displays internally illuminated components that enable the display to change periodically and is controlled by remote or automatic means.

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

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

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

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

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

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

"Finished grade level" means the elevation of the finished grade of the ground immediately adjacent to a building or structure at its exterior foundation.

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

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

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

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Section 5103.02(D).

"Freestanding solar panel" see Article VIII, Section 800.1(A).

"Frontage" see "lot line, front or frontage."

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

"Gazebo" means a free standing, typically octagonal, roofed structure open on the sides, used for outdoor entertainment or recreational purposes.

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

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

"Hazardous waste" means substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which cannot be handled by routine waste management techniques and as defined in O.A.C. Section 3745-51-03.

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

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

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

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

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

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

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

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

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

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

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

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

"Landscaping" means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover; and, may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, or sculptures, reflective pools, and fountains.

"Land banking" means a reserve of required parking spaces, which shall be counted as lot coverage, that will be left open as landscaped green space until the applicant is required to complete the requirements of this resolution as directed by the zoning inspector.

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

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

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

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

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

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

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

"Lot, depth" means the total distance of each side lot line measured from the front line to the rear lot 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, width" means the shortest distance that occurs between the side lot lines measured continuously anywhere between the front lot line and the building front setback line (see "yard, front").

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

"Lot line, rear" means the boundary of a lot which is parallel or within forty-five (45) degrees of being parallel to the front lot line and is opposite the front lot line.

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

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

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

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

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

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

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

"Mobile home park" means a lot where two (2) or more mobile homes are located.

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

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

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

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

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

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

"Ohio EPA Class I, II, III, and IV solid waste composting facilities" shall be as defined in O.A.C. Section 3745-560-02.

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

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

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

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

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

"Pavilion" means a roofed open structure with no more than two (2) enclosed sides used for recreation, entertainment, dining or shelter.

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

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

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

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

"Porch" means a covered area adjoining an entrance to a building with no more than three (3) enclosed sides.

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

"Premises" means a lot or lots where buildings, parking lots, and other structures are located.

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

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

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

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

A. Public Service

1. Is there the devotion of an essential good or service to the general public, which has a right to demand or receive the good or service?
2. Must the company provide its good or service to the public indiscriminately and reasonably?
3. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?
4. Are there any applicable statutory or regulatory requirements that the service be accepted?
5. Is there a right of the public to demand and receive the service?

B. Public Concern

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

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

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

"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.

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

"Roof mounted solar panel" see Article VIII, Section 800.1(B).

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

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

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

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

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

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

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

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

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

"Shadow flicker" see Article VIII, Section 801.1(B).

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

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

"Sign, changeable copy" means a wall or monument sign or portion thereof which is so designed that characters, letters, or illustrations can be changed or rearranged without altering the basic face or surface of the sign, whether manually or electronically.

"Sign, directional" means a sign placed at a location visible to vehicles or other modes of mobility seeking to enter, exit, load/unload, and may take the form of a monument sign, wall sign, temporary sign, or _____.

"Sign, flat or wall" means a sign painted on or attached to and erected parallel to the face of, and erected and confined within the limits of, the outside wall of a building and supported by such wall and consists of only (1) face.

"Sign, governmental" means a sign located or erected by a federal, state, or political subdivision pursuant to law and serving an official safety function, such as traffic control.

"Sign, marquee" means a sign attached to or on a marquee which is a permanent roof-like structure projecting beyond the wall of the building, generally at an entrance to a building, and designed and constructed to provide protection against the weather.

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

"Sign, monument" means a freestanding ground sign on a permanent foundation which is

entirely independent of any building for support and consists of no more than _____ (#) faces.

“Sign, off-premise” means a sign advertising goods, services, or activities located on a lot other than the lot at which such goods, services or activity occurs.

“Sign, on-premise” means a sign advertising goods, services or activities located on the same lot at which such goods, services or activity occurs.

“Sign, projecting” means a sign extending beyond the vertical surface or plane of the exterior wall of a building to which such a sign is attached and consists of no more than two (2) faces.

“Sign, pylon” means a freestanding sign supported by one (1) or more visible uprights or poles permanently affixed to the ground and which is entirely independent of any building for support and consists of no more than _____ (#) faces.

“Sign, roof” means a sign erected upon the roof of a building, all surfaces of which are located above the roof surface and do not project beyond any exterior wall of the building on which located.

“Sign, temporary” means a sign that is not designed or intended for permanent display.

“Sign, window” means a sign painted on, attached or affixed to the interior surface of a window or door of a building intended to be seen from the exterior.

“Site” see “lot.”

“Small wind farm (SWF)” see Article VIII, Section 801.1(C).

“Solar panel and solar panel array” see Article VIII, Section 800.1(C) & (D).

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

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

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

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

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

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

"Telecommunications" means technology permitting the passage of information from the sender to one (1) or more receivers in a usable form by means of an electromagnetic system and includes the term personal wireless services.

"Telecommunications tower" means any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in O.R.C. Section 519.211(B)(1)(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 _____ Township, Geauga County, Ohio

"Township board of zoning appeals" means the board of zoning appeals of the township.

"Township fiscal officer" means the fiscal officer of the township.

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

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

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

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

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

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

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

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

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

"Wetland" see Article XV, Section 1502.0(P).

"Wind energy conversion system (WECS)" see Article VIII, Section 801.1(D).

"Wind energy conversion system tower" see Article VIII, Section 801.1(E).

"Wind turbine" see Article VIII, Section 801.1(F).

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

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

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

“Yard, garage, barn, or estate sale” means a private sale of personal property that is open to the public.

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

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

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

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

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

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ARTICLE VII

SIGNS

Section 700.1 ~~PURPOSE CLAUSE~~ GENERAL

Sign regulations, including provisions to control the size, location, illumination, and maintenance of signs, are hereby established in order to promote the public health, safety and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this Article is intended to achieve, among others, the following purposes:

- A. To allow businesses, institutions, and individuals to exercise their right to free speech by displaying an image on a sign, and to allow audiences to receive such information.
- B. To promote and maintain visually attractive, residential, retail, commercial, historic open space and industrial districts.
- C. To ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
- D. To protect property values.
- E. To promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions.
- F. To protect and preserve the aesthetic quality and physical appearance of the Township.

The Township ~~does not intend to~~ **seeks to protect the rights of free speech and not** infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, §11 of the Ohio Constitution. All provisions in this Article are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of residents and visitors to speak freely.

Commented [LMC1]: Prosecutor's Office: Other articles of the Model do not have their own Purpose Clause and the primary Purpose Clause is already located in Section 102.0 of General Provisions. Deleted "Purpose Clause" and changed to "General"

Commented [LMC2]: Prosecutor's Office wording.

Section 700.2 ~~SEVERABILITY CLAUSE~~

Section 700.3 **700.2 SUBSTITUTION CLAUSE**

The owner of any sign which is otherwise allowed by this sign ordinance **resolution** may substitute non-commercial copy in lieu of any other ~~commercial or non-commercial~~ copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

Commented [LMC3]: Prosecutor's Office: Section 700.2 deleted here and moved to Section 113.0

Commented [LMC4]: Prosecutor's Office: deleted language to reduce wordiness.

Section 701.0 *General Requirements for all Signs*

- A. The following regulations shall apply to all signs in all zoning districts:
 - 1. Any illuminated sign or lighting device shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or

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moving lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed upon a public or private road or adjacent lots so as to cause glare or reflection that may constitute a traffic hazard, nuisance, or distraction.

2. No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention, including strings of lights.
3. No sign shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window providing access to any fire escape or exit, excluding such signs specifically designed or required by applicable building or fire codes.
4. No sign or part thereof shall emit sound, be inflatable, or contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices.
5. No sign shall be placed within any public right-of-way except governmental or public utility signs. No signs shall be placed on a public utility pole, except by a public utility.
6. Signs and support structures shall consist of weather resistant materials and shall be maintained in good repair and a safe condition so as to prevent rust, rot, peeling, flaking or fading. Broken or cracked sign faces or panels, missing letters, flaking or peeling paint, malfunctioning electrical or lighting components, and other visual damage or deterioration **shall be prohibited.**

Section 702.0 Prohibited Signs in all Districts

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

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

Note: Optional regulation.

5. Mobile signs.

Note: Optional regulation.

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6. Any sign not otherwise permitted in this resolution.

Section 703.0 Governmental Signs Exempted

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

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

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

1. In addition to Section 705(A), one (1) sign per lot, dwelling unit, or use with a maximum area of _____ square feet per sign face.
2. Entrance, loading, unloading, and exit) signs with a maximum area of _____ square feet per sign face.
3. _____ (#) temporary sign for every _____ sqft of parcel area lineal foot of road frontage may be erected only with the permission of the owner of the premises and shall not be posted on or erected in any place or in any manner which is destructive to property upon erection or removal. A minimum of one (1) sign is permitted regardless of the amount of road frontage. A temporary sign shall not be erected within a public road right-of-way nor shall any such sign be posted on a utility pole or utility or traffic control box. The maximum area of a temporary sign shall be _____ square feet per sign face and the maximum height shall be _____ feet. A temporary sign shall not be illuminated by any means.
4. Window Signs: _____ percent of the window area may be covered by a sign.

Commented [LMC5]: This language was added to account for properties with narrow road frontages. If, for example, the standard is set at "one temporary sign for every 100 lineal feet", a lot with 75 feet of frontage would still need to be permitted to display a sign.

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

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

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

1. Each non-residential use, whether permitted by right or conditionally, located in a residential zoning district may be permitted only one (1) of the following signs on a lot: wall or monument.

Commented [LMC6]: Prosecutor's Office: Language added to clarify this section applies to only permitted non-residential uses, such as schools and churches, within residential areas. Non-conforming uses (such as a restaurant within a residential area) would still follow the Non-conforming Use requirements in Article 9 in order to permit that use to have a sign.

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- a. Wall signs shall have a maximum area of _____ square feet per sign face.
- b. Monument signs shall have a maximum area of _____ square feet per sign face.
- 2. One (1) monument sign per **platted** residential subdivision with a maximum area of _____ square feet per sign face. One (1) additional monument sign is permitted per each road frontage, however, there shall be no more than ~~(2)~~ _____ monument signs per **platted** residential subdivision. **Such sign(s) shall not exceed a height of _____ feet from final grade.** Such sign shall be maintained by the owner of the real property upon which the sign is located **or a Homeowner's Association, if applicable,** and shall be designated on the final subdivision plat within a dedicated sign and landscaping easement or a separately recorded easement instrument.

Commented [LMC7]: Miscellaneous changes made based upon all previous comments.

- B. No sign shall be illuminated by any means in any **residential** zoning district.

Commented [LMC8]: This was not previously discussed. As it is reasonable for a church, school, residential subdivision, etc., to have an illuminated sign, the language could be ***Illumination shall be in compliance with Section 701(A)(1).**

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

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

- 1. Each use may be permitted one (1) of the following signs on a lot: wall, projecting, or marquee. **Such signs shall not exceed one (1) square foot of area per lineal foot of tenant wall width with a maximum area of _____ square feet. A business located on a corner lot shall be permitted one (1) additional wall sign per dedicated road frontage.**
 - a. Wall signs shall have a maximum area of _____ square feet.
 - b. Projecting signs shall have a maximum of _____ square feet per sign face and shall not extend more than _____ feet measured from the face of the building to which such sign is attached.
 - c. Marquee signs shall have a maximum area of _____ square feet per sign face and shall not extend more than _____ feet measured from the face of the building to which such sign is attached.
- 2. In addition to a wall, projecting, or marquee sign, one (1) monument or pylon sign may be permitted on the premises. Such sign shall not exceed _____ square feet per sign face in area. **In no case shall more than _____ monument sign(s) be permitted on any property frontage.**

Commented [LMC9]: Language added to describe the ratio of sign permitted based upon the width of the business unit and setting a maximum area.

Commented [LMC10]: Language added to clarify a business located on a corner lot is permitted one additional wall sign.

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One (1) additional monument or pylon sign is permitted per each dedicated road frontage, however, there shall be no more than _____ (#) monument or pylon signs per premises.

- a. One (1) additional monument sign shall be permitted for every _____ hundred feet of street frontage or fraction thereof per property greater than _____ feet. For corner lots, each street frontage shall be calculated separately
- b. Monument/pylon signs on the same lot shall be separated by a minimum of _____ hundred feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing.

Commented [LMC11]: "a" is too complicated. Recommend using the language as previously proposed above as it permits one additional monument or pylon sign if there is more than one road frontage.

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

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

- ~~1. Bulletin board or changeable copy signs.~~
- ~~2. Business or professional signs.~~
- ~~3. Directory signs.~~

Section 707.0 Measurement of Sign Area

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

Section 708.0 Measurement of Sign Height

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

Section 709.0 Maximum Height Requirements

- A. Projecting, wall, and marquee signs shall not exceed the height of the wall face to which such signs are attached.
- B. Monument signs shall have a maximum height of _____ feet.

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C. Pylon signs shall have a maximum height of _____ feet.

Section 710.0 Minimum Yard Requirements

- A. Monument or pylon signs shall have a minimum setback of _____ feet from the front lot line.
- B. Monument or pylon signs shall have a minimum setback of _____ feet from the side and rear lot lines.
- C. If the lot on which a monument or pylon sign is to be located is adjacent to any residential zoning district, then the minimum setback shall be _____ feet measured from the nearest residential zoning district boundary.

Section 711.0 Removal of Damaged Legal-Nonconforming Signs

If the sign face of any legal-nonconforming sign is damaged in excess of fifty percent (50%) as determined by the zoning inspector, then it shall only be reconstructed in accordance with this zoning resolution or any amendment thereto. Legal-nonconforming sign(s) must be removed if the use of the property associated with the sign has been discontinued for a period of ____ years.

Section 712.0 Billboards

A. Conditional Zoning Certificate Required.

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

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

B. Conditions.

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

- 1. There shall be no more than _____ faces or advertising surfaces on a billboard

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structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in _____ direction. There shall not be more than _____ billboard structure with a maximum of _____ sign faces on a lot.

2. A billboard shall be the principal use of the lot on which it is located.
3. The sign face area of a billboard shall be included in determining the maximum allowable signage on a lot for the zoning district in which it is located.
4. Billboards shall be spaced a minimum of _____ feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the township, where the affected road extends beyond such boundaries.
5. A billboard shall be setback a minimum of _____ feet from any residential zoning district boundary. The setback shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.
6. A billboard shall be setback a minimum of _____ feet from an existing residential dwelling, a church or place of worship, a cemetery, a school, a public park or playground, a public library or a day care center. The setback shall be measured from the nearest lot line to the nearest portion of a billboard.
7. A billboard shall be setback a minimum of _____ feet from any front lot line. The setback shall be measured from the front lot line to the nearest portion of the billboard.
8. A billboard shall be setback a minimum of _____ feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
9. A billboard shall be setback a minimum of _____ feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.
10. A billboard shall be setback a minimum of _____ feet from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
11. A billboard shall be setback a minimum of _____ feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of the billboard.
12. The maximum height of a billboard shall be _____ feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.

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13. The maximum sign face of a billboard shall be _____ square feet.
14. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.
15. A billboard projecting over a driveway shall have a minimum clearance of _____ feet between the lowest point of the sign and the finished driveway grade.
16. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ lighting of a constant intensity. Flashing, rotating or oscillating lighting shall be prohibited. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device or signal.
17. A billboard shall not employ any elements which revolve, whirl, spin or otherwise make use of motion.
18. All wiring, fittings, and materials used in the construction, connection and operation of a billboard shall comply with the applicable provisions of the building and electrical codes enforced by the Geauga County Building Department. Proof of compliance with such codes shall be provided by the applicant.
19. The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.
20. A billboard shall be included in determining the maximum coverage of buildings and structures on a lot for the zoning district in which it is located.
21. A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Flood Insurance Rate Maps of Geauga County.
22. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.
23. The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.
24. Billboard sign faces shall be neatly painted or posted at all times and the billboard structure shall be kept in a safe state of repair.

Note: It is recommended that the board of township trustees submit a copy of the regulations adopted concerning billboards to the Director of the Ohio Department of Transportation, after they have taken effect.

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Section 713.0 Changeable copy signs

Changeable copy signs shall be a permitted use in the _____ zoning district(s) and shall be subject to the applicable wall or monument/pylon sign regulations **contained herein**:

- A. The maximum area devoted to the electronic digital display **area or manual display area** shall not exceed _____ percent (____%) of the area in each sign face.
- F. The static electronic digital display shall be displayed for a minimum of _____ minutes/seconds.
- G. The change to another static electronic digital display shall be **instantaneous**
- H. The electronic digital display shall not include any image that moves, including animated, flashing, scrolling, intermittent or full motion elements of illumination.
- I. If a malfunction occurs, the electronic digital display area of the **sign shall automatically display a black screen.**
- J. There shall be no more than _____ wall or monument sign containing-changeable copy located on the premises.
- L. An electronic message sign shall not emulate a traffic control device.
- M. The electronic digital display intensity and the light intensity level of the display must be capable of being regulated and automatically adjust to natural ambient light conditions in order to avoid excessive glare. **Such signs shall not exceed _____ foot candles as measure three (3) feet from the center of the face of the sign.**