



Huntsburg Township
Zoning Resolution
2021

Huntsburg Township Zoning Resolution



*Adopted November 2, 2021
Effective December 2, 2021*

*By the Board of Trustees Huntsburg Township
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Huntsburg OH 44046*

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INTERNAL COVER PAGE

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ARTICLE I

GENERAL PROVISIONS

Section

100.0

Title

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

101.0

Jurisdiction

This Resolution shall apply to all of the unincorporated territory of Huntsburg Township, Geauga County, Ohio.

102.0

Purpose of Zoning Resolution

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

This resolution has been enacted in order to protect and promote the public health, safety, morals, and general welfare in accordance with a comprehensive plan. 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 facilities, and other matters related to public health and safety are adequately addressed to serve such uses.
- F. To conserve and protect the natural resources of the township, including the supply of groundwater.
- G. To ensure that development is in accord with the capability and suitability of the land to support it.
- H. To provide regulations that advance balanced and orderly growth and development in the township as well as preserve sensitive environmental resources.

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.

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. This resolution does not 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).
- B. This Resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. As used in this resolution, "public utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734 of the Ohio Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of the Ohio Revised Code. However, subject to R.C. 519.211(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- C. This Resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted by this resolution.
- D. This Resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from

produce raised on farms owned or operated by the market operator in a normal crop year.

- E. This resolution does not apply with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901., 4903., 4905., 4909., 4921., and 4923. of the Revised Code.
- F. This resolution does not apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for that purpose, having wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation of at an aggregate capacity of five (5) megawatts or more.
- G. Pursuant to O.R.C. Section 5502.031, this resolution does not preclude amateur radio service communications and does not restrict the height or location of amateur station antenna structures in such a way as to prevent effective amateur radio service communications and shall comply with 47 C.F.R. 97.15.
- H. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes. As used herein, "biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in Section 5713.30 of the Ohio Revised Code.
- I. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten (17,060,710) British thermal units, five (5) megawatts, or both. As used in this section, "biologically derived methane gas" has the same meaning as in Section 5713.30 of the Ohio Revised Code.
- J. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for agritourism. As used herein, "agritourism" has the same meaning as in Section 901.80 of the Ohio Revised Code.

105.0

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

The 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 Fiscal Officer and may be altered or amended only by resolution of the 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.

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

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

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

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

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

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.

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.

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.

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.

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.

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.

113.0 Severability

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

ARTICLE II
DEFINITIONS

Section

200.0 Interpretation of Terms or Words

For the purposes of this resolution, the following rules of interpretation for terms 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.

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.

“Accessory dwelling unit” means area within a single-family dwelling with an internal connection for ingress/egress, comprised of 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.

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

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

“Amateur radio service” means the amateur service, the amateur satellite service, and the 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.

“Apiculture” refers to the keeping of bees, especially on a large scale.

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

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

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

“Average finished grade level” means the average of the finished grade of the ground at all corners of a building or structure. See: “Finished Grade Level.”

“Basement” means the space extending under all or part of the length and width of a building or proposed building that is partly below the average finished grade level but having at least one (1) foot of its height above grade level, and a height measured from ceiling to floor of at least seven (7) feet.

“Bed and breakfast establishments” means an owner operated residential

dwelling in which rooms are rented to paying guests on an overnight basis and breakfast only is provided for which the entire service is included for one (1) predetermined price.

“Board” means the Board of Zoning Appeals of Huntsburg Township.

“Breezeway” means a passageway consisting of a roof and supporting structural components that is enclosed or unenclosed and that connects buildings or structures.

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

“Building line” see setback line.

“Campground” means any space suitable for camping.

“Cemetery” means land used for the interment of human remains including any one or combination of one or more of the following: a burial ground containing plots designated for earth interments or inurnments, a mausoleum for crypt entombments, or a columbarium for the deposit of cremated remains.

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

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

“Clinic” means any building or other structure devoted to the diagnosis, treatment, and care of out-patients.

“Club” means a group of people associated for a common purpose usually in

a civic, political, social, and cultural or service organization, that meets regularly in a building or any part thereof. For the purpose of this Resolution, a club shall not include facilities for swimming, golfing, fishing, or any other similar outdoor oriented activities.

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

“Commercial motor vehicle” means any motor vehicle designed and used for carrying merchandise or freight or used as a combination tractor-trailer or commercial tractor by drawing other vehicles whether independently or by carrying a portion of such other vehicle or its load, or both. “Commercial motor vehicle” does not include any truck designed to carry a load one (1) ton or under, and which is used for transportation or purposes other than engaging in a business for profit.

“Commercial parking garage” means any building which is used for storage of licensed operable motor vehicles, is not accessory to any other use on the same, or any other lot, and contains space rented to the public by the hour, day, week, month, or year. A commercial parking garage shall not include any establishment used exclusively for the storage of commercial or public utility motor vehicles, or for storage of unlicensed motor vehicles.

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

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

“County” means Geauga County, Ohio

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

“Deck” means a structure consisting of wood, vinyl, or other composite materials with or without a roof that is attached to a building or is freestanding and is supported by posts.

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

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

“Driveway” means a privately maintained area having a paved or graveled surface, which provides ingress or egress for vehicles from a road to a

dwelling, building, structure parking space, or loading/unloading space.

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

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

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

“Dwelling, two (2) family or duplex” means a dwelling consisting of two (2) attached dwelling units, with no internal connection for ingress/egress, 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.

“Earthen home” means a dwelling constructed with at least three (3) exterior walls below ground level and at least one (1) exterior wall exposed. The dwelling must meet all the floor space requirements of a normal dwelling unit. The dwelling shall meet all other requirements of this Resolution. The roof of the earthen home shall be constructed with at least the same thickness as the walls and shall be waterproofed to make an earthen cover. An earthen home defined above shall be considered a dwelling for the purposes of this Resolution.

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

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

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

“Family” means one (1) or more persons related by blood, adoption, guardianship, or marriage, living, and cooking together as a single

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

“Farm market” Shall have the same meaning as in R.C. 519.21.

“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.

“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.

“Flea market” means an open-air market or enclosed booth used for the sale of new and second-hand articles, arts, crafts, plants, and produce.

“Floor area” means the sum of the horizontal areas of all floors of the building, measured from exterior faces of exterior walls or from the centerline of walls separating two (2) buildings. Floor area shall not include basement space, crawl spaces, elevator and stair bulkheads, attic space, terraces, breezeway, or open porches, uncovered steps and garages.

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

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

“Freezer locker building” means a fully enclosed accessory building used for individual freezers or freezer lockers by authorized persons only.

“Frontage” see lot line, front.

“Garage” means a building designed and used for the storage of motor vehicles and other personal property.

“Gazebo” means a freestanding, typically octagonal, roofed structure that is open on the sides.

“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.

“Golf club or golf course” means a public or private recreational facility with golf being the principal use.

“Hazardous waste” means such waste as defined in Section 3745-51-03 of the Ohio Administrative Code, as amended, enforced by the Ohio Environmental Protection Agency.

“Home occupation” means an accessory use in a residential zone, which is an activity, profession, service, craft, or hobby for remuneration, conducted entirely within a dwelling or an accessory building on a lot. A home occupation shall be clearly incidental and subordinate to the use of a lot as a dwelling and residence.

“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 is provided and offered to the public for compensation.

“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 building as defined in Ohio Revised Code Section 3781.06 (C) (3) for which a letter of certification and insignia have been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62(A). “Industrialized unit” does not include a “manufactured home” or a “mobile home” as defined in this resolution.

“Infectious waste” means such waste as defined in O.A.C. Section 3745-27-01(l)(6).

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

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

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

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

“Landscaping” means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover.

“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), 5123.19(a)(5)(a), and 5123.19(M).

“Light trespass” means the light emitted by an exterior lighting fixture which falls outside of the boundaries of the lot on which the fixture is located.

“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, parking area, impervious surfaces, and loading/unloading space(s) on a lot.

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

“Depth” means the total distance of each side lot line measured from the front lot line to the rear lot line.

“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.

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

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

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

“Lot line, front or frontage” means the boundary of a lot, which abuts a public or private road. In the case of a corner lot or multiple frontage lot, all lot boundaries abutting a road shall be considered front lot lines.

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

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

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

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

“Manufactured home park” means a use of land as defined in R.C. 4781.01(D).

“Medical Marijuana” means marijuana. As defined in R.C. 3796.01(A)(1), that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose per R.C. 3796.01(A)(2).

“Mobile home” means a building unit or enclosed construction as defined in R.C. 4501.0(O).

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

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

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

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

“O.A.C.” means the Ohio Administrative Code.

“O.R.C. or R.C.” means the Ohio Revised Code.

“Office” means a building or part thereof within which administrative, clerical, and professional activities, sales and services are rendered.

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

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

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

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

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

Permanent Parcel Number (PPN)” means the permanent parcel number assigned to a lot or parcel of land by the county auditor.

“Personal property” means any privately held property other than real property.

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

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

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

“Pond” means a water impoundment made by constructing a dam, an

embankment or by excavating a pit or dugout.

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

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

“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.

“Quarry” means any land from which rock, stone, gravel, sand, or mineral is removed or excavated for the purpose of disposition away from the immediate premises. However, this shall not include excavations for

basements for any buildings or structures.

“Recreational facility” means a facility consisting of indoor or outdoor fields, courts, pools, ponds, tracks, or similar areas for athletic and leisure time activities.

“Recreational vehicle” means a portable vehicular structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in Ohio Revised Code 4501.01.

“Residential Care Facility” means a home, also known as an assisted living facility, as defined in Ohio Revised Code Section 3721.01(A)(7) that provides either of the following: (a) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical and mental impairment; or (b) Accommodations for three (3) or more unrelated individuals, supervision and personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one (1) of those individuals, any of the skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code.

“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, private” 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.

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

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

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

“Scrap metal processing” means an establishment having facilities for processing iron, steel, or nonferrous scrap whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes.

“School” means any public school chartered by the Ohio Board of Regents or

conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction

“Self-service storage facility” means a building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-service storage of personal property and as further defined in R.C. 5322.01.

“Service station” means buildings and premises where electric powered vehicles may be recharged; fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail; and food and beverage items sold at retail.

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

“Sewer 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 the health and sanitation officials having jurisdiction.

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

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

“Sign, temporary” means a sign, which is attached to a building or structure and/or erected in the ground for a period of time not to exceed 60 days in a calendar year.

“Site” see “lot.”

“Solar devices” means any appliances or devices, which are dependent upon solar energy.

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

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

“Stealth facility” means any communications facility, which is designed to blend in with the surrounding environment. Such facilities may include

architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

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

“Street” means a public or private road as defined in this resolution.

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

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

“Subdivisions, major/minor” shall be as defined by the county subdivision regulations.

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

“Swimming pool” means a permanent open tank or other structure designed to contain a depth of at least three (3) feet of water at any point 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 bandwidth of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the township.

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

“Telecommunications tower” means any freestanding structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in R.C. 519.211 (B)(1) (a-e) and this resolution.

“Tent” means a portable shelter consisting of canvas or other material

stretched over poles and secured by stakes.

“Tourist cabins” means a group of buildings, including either separate cabins or a row of cabins, which contain living and sleeping accommodations for transient occupancy, and have individual entrances.

“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 Huntsburg Township, Geauga County, Ohio

“Township Board of Zoning Appeals” means the Board of Zoning Appeals for Huntsburg Township.

“Township Fiscal Officer” means the Fiscal Officer for Huntsburg Township.

“Transient occupancy” means occupancy in any one (1) place for less than thirty (30) consecutive days.

“Trustees” means the Board of Trustees of Huntsburg Township.

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

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

“Utility building” means a structure used to house equipment and store articles, but not used as a dwelling unit.

“Variance: area” means an alteration from the zoning resolution requirements regarding, for example, lot size, lot width, front yards, side yards, rear yards, and percentage of lot coverage as a result of the applicant’s demonstration of practical difficulties.

“Variance: use” means an alteration from the zoning resolution requirements regarding the use of a lot as a result of the applicant’s demonstration of unnecessary hardship.

“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.

“Viticulture” refers to the cultivation or culture of grapes especially for wine making.

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

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

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

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

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

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

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

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

“Yard, side” means a yard extending from a building or structure to the side lot lines 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 township zoning inspector in accordance with the regulations specified in this resolution.

“Zoning commission” means the Zoning Commission of Huntsburg Township.

“Zoning inspector” means the zoning inspector of Huntsburg Township.

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

ARTICLE III

ZONING DISTRICTS AND OFFICIAL ZONING MAP

Section

300.0 Zoning Districts

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

Residential, which shall be designated as R-3 or R- 5 districts.

Commercial, which shall be designated as “C” districts.

Industrial and manufacturing, which shall be designated at “I” districts.

The districts as shown on the official zoning map are hereby established and said map is made a part of this Resolution.

300.1 Description of Zoning Districts

A legal description of each zoning district follows which are incorporated as a part of this resolution.

R-3 Residential District

This district is composed of all those lands in the Township, which are not described specifically or by reference and thus are all those other lands in the Township, which are included in R-5, C, and I.

(a) R-5 Residential District

Beginning at the Northeasterly Corner of said Huntsburg Township;

Course No. 1: Thence Westerly along the Northerly Line of said Huntsburg Township to the centerline of Plank Road;

Course No. 2: Thence Southeasterly along said centerline to the Northeasterly corner of land conveyed to Margaret Baker by deed recorded in Volume 587, Page 487 of the Geauga County Deed Records;

Course No. 3: Thence Southerly along the Easterly line of said Baker to the Southeasterly corner of said thereof;

Course No. 4: Thence Northwesterly along the Southerly line of said Baker to the Southwesterly corner thereof, which is in the Easterly line of land conveyed to Daniel J. and Loretta Sidoti by deed recorded in Volume 1297, Page 1009 of the aforesaid deed records;

Course No. 5: Thence Southerly along the Easterly line of said Sidoti and the Easterly line of land conveyed to Heather B. and Todd W. Hines by deed recorded in Volume 1130, Page 985 of the aforesaid deed records to the Southeasterly corner of said Hines in the centerline of Chardon-Windsor Road;

- Course No. 6: Thence Westerly along said centerline of Chardon-Windsor Road to the Northeasterly corner of land conveyed to Constance M. Hibler by deed recorded in Volume 1098, Page 612 of the aforesaid deed records;
- Course No. 7: Thence Southerly along the Easterly line of said Hibler to the Southeasterly corner of said Hibler;
- Course No. 8: Thence Westerly along the Southerly line of said Hibler to the Northeasterly corner of land conveyed to Marcia R. Watts, Trustee by deed recorded in Volume 993, Page 393 of the aforesaid deed records;
- Course No. 9: Thence Southerly along the Easterly line of said Watts to the centerline of Huntley Road;
- Course No. 10: Thence Easterly along said centerline of Huntley Road to the Easterly Line of said Huntsburg Township;
- Course No. 11: Thence Northerly along said Easterly Huntsburg Township Line to the Northeasterly Corner of said Huntsburg Township and the place of beginning.

R-5 Residential District

Beginning in the Easterly Line of Huntsburg Township at the intersection of said Township Line with the centerline of Mayfield Road (U. S. Route No. 322);

- Course No. 1: Thence Westerly along the centerline of said Mayfield Road to the Northeasterly corner of land remaining in the name of Huntsburg Investments, LLC as recorded in Volume 1152, Page 3 of the Geauga County Deed Records as shown by Eastpoint Subdivision, Phase 1 as recorded in Volume 32, Page 95 of the Geauga County Plat Records, said corner also being the Northwesterly corner of land conveyed to Mildred Lee, et al. by deed recorded in Volume 1334, Page 757 of the Geauga County Deed Records;
- Course No. 2: Thence Southerly along the Easterly line of said Huntsburg Investments, LLC and said Subdivision said Easterly lines also being the Westerly line of said Lee, to the Northwesterly corner of land conveyed to Elmer S. and Ruth Yoder by deed recorded in Volume 999, Page 1005 of the aforesaid deed records, said corner also being the Southwesterly corner of said Lee;
- Course No. 3: Thence Westerly to the Northeasterly corner of land conveyed to Stephen Rudowsky, Jr. by deed recorded in Volume 1201, Page 158 of the aforesaid deed records;
- Course No. 4: Thence Westerly along the Northerly line of said Rudowsky to the Southeasterly corner of land conveyed to Arthur H. and Linda Smith by deed recorded in Volume 1100, Page 504 of the aforesaid deed records;
- Course No. 5: Thence continuing Westerly along the Southerly line of said Smith to the Southwesterly corner of said Smith;
- Course No. 6: Thence Northerly along the Westerly line of said Smith, said Westerly line also being the Westerly line of Original Huntsburg Township Lot No. 48, to the Southeasterly corner of land conveyed to Huntsburg Township

Trustees by deed recorded in Volume 568, Page 1329 of the aforesaid deed records;

Course No. 7: Thence Westerly along the Southerly line of said Huntsburg Township Trustees and the Southerly lines of additional land conveyed to said Trustees by deeds recorded respectively in Volume 609, Page 303 and Volume 824, Page 668 of the aforesaid deed records, to the Southwesterly corner of said land conveyed to Huntsburg Township Trustees by deed Volume 824, Page 668, said Southwesterly corner being in the Westerly line of Original Huntsburg Township Lot No. 47;

Course No. 8: Thence Southerly along said Westerly line of Original Lot No. 47 to the Northwesterly corner of land conveyed to Timothy A. and Delores A. Frank by deed recorded in Volume 734, Page 404 of the aforesaid deed records;

Course No. 9: Thence Easterly along the Northerly line of said Frank and the Northerly line of additional land conveyed to said Frank by deed recorded in Volume 1180, Page 866 of the aforesaid deed records, to the Northeasterly corner of said Frank volume 1180, Page 866;

Course No. 10: Thence Southerly along the Easterly line of said land conveyed to Frank by deed recorded in Volume 1180, Page 866 and the Easterly line of land conveyed to Felicia Rose Button, et al. by deed recorded in Volume 1126, Page 298 of the aforesaid deed records, to the centerline of Pioneer Road;

Course No. 11: Thence Easterly along said centerline of Pioneer Road to the Northeasterly corner of land conveyed to Nevin R. and Emma J. Byler by deed recorded in Volume 680, Page 340 of the aforesaid deed records;

Course No. 12: Thence Southerly along the Easterly line of said Byler to the Northwesterly corner of land conveyed to Josiah C. and Linda C. Miller as PARCEL ONE by deed recorded in Volume 1010, Page 132 of the aforesaid deed records;

Course No. 13: Thence Easterly along the Northerly line of said Miller and the Northerly lines of lands conveyed to Adam M. and Emma W. Detweiler by deeds recorded in Volume 580, Page 805 and Volume 929, Page 849 of the aforesaid deed records, to the Northeasterly corner of said Detweiler;

Course No. 14: Thence Southerly along the Easterly line of said Detweiler to the centerline of Burton-Windsor Road;

Course No. 15: Thence Easterly along said centerline of Burton-Windsor Road to the Easterly line of said Huntsburg Township;

Thence Northerly along said Easterly Huntsburg Township Line to the place of beginning.

Section 1.02
Section 1.03

R-5 Residential District

Beginning in the Westerly Huntsburg Township Line at the intersection of said Township Line with the centerline of Stillwell Road;

- Course No. 1: Thence Easterly along the centerline of said Stillwell Road to the Northwesternly corner of land conveyed to Clark M. Adams by deed recorded in Volume 427, Page 60 of the Geauga County Deed Records;
- Course No. 2: Thence Southerly along the Westerly line of said Adams and the Westerly line of lands conveyed to Robert C. and Kathleen A. Adams by deeds recorded in Volume 1480, Page 713 and Volume 1480, Page 719 of the aforesaid deed records to the centerline of Mayfield Road (U.S. Route 322
- Course No. 3: Thence Easterly along said centerline to the Northwesternly corner of land conveyed to Timothy K. Hummel by deed recorded in Volume 852, Page 1054 of the aforesaid deed records;
- Course No. 4: Thence Southerly along the Westerly line of said Hummel and the Westerly line of land conveyed to Carl P. and Judith D. Novotny by deed recorded in Volume 772, Page 375 of the aforesaid deed records to the Southwesterly corner of said Novotny;
- Course No. 5: Thence Easterly along the Southerly line of said Novotny to the Northwesternly corner of land conveyed to Richard Knight by deed recorded in Volume 615, Page 5 of the aforesaid deed records;
- Course No. 6: Thence Southerly along the Westerly line of said Knight to the Southwesterly corner thereof;
- Course No. 7: Thence Easterly along the Southerly line of said Knight to the Northwesternly corner of land conveyed to Joseph and Shirley Finizia by deed Volume 802, Page 3 of the aforesaid deed records;
- Course No. 8: Thence Southerly along the Westerly line of said Finizia and the westerly line of additional land conveyed to said Finizia by deed recorded in Volume 802, Page 1 and land conveyed to Douglas L. and Darleen K. Beaver by deed recorded in Volume 913, Page 385 of the aforesaid deed records to the Southwesterly corner of said Beaver;
- Course No. 9: Thence Easterly along the Southerly line of said Beaver to the Northwesternly corner of land conveyed as PARCEL 2 remaining in the name of Laura L. Steingass by deed recorded in Volume 1444, Page 652 of the aforesaid deed records;
- Course No. 10: Thence Southerly along the Westerly line of said Steingass and the Westerly lines of lands conveyed to David C. and Elizabeth Detweiler, to Clarence E. and Rebecca C. Weaver and to Stanley A. Darocha by deeds recorded respectively in Volume 1181, Page 299, Volume 1181, Page 301 and Volume 738, Page 1115 of the aforesaid deed records, to the Northerly line of a 64.53 acre parcel of land conveyed to Janet C. Haueter by deed recorded in Volume 1488, Page 687 of the aforesaid deed records;
- Course No. 11: Thence Westerly along said Northerly line of Haueter to the Northwesternly corner thereof;
- Course No. 12: Thence Southerly along the Westerly line of said Haueter to the Northeasterly corner of land conveyed to The City of Akron by deed recorded in Volume 800, Page 27 of the aforesaid deed records;

- Course No. 13: Thence Easterly along the Northerly line of said City of Akron to the Northeasterly corner thereof;
- Course No. 14: Thence Southerly along the Easterly line of said City of Akron to the Northerly line of land conveyed to Noah J. and Amanda S. Miller by deed recorded in Volume 1460, Page 923 of the aforesaid deed records;
- Course No. 15: Thence Westerly along said Northerly line of Miller to the Northwesterly corner thereof;
- Course No. 16: Thence Southerly along the Westerly line of said Miller to the Southwesterly corner thereof;
- Course No. 17: Thence Easterly along the Southerly line of said Miller to the Northwesterly corner of land conveyed to Robert L. and Sadie W. Gingerich by deed recorded in Volume 1255, Page 799 of the aforesaid deed records;
- Course No. 18: Thence Southerly along the Westerly line of said Gingerich to the Northerly line of land conveyed to William J. L. and Barbara B. Miller by deed recorded in Volume 768, Page 1266 of the aforesaid deed records;
- Course No. 19: Thence Westerly along said Southerly line of Miller to the Northwesterly corner thereof;
- Course No. 20: Thence Southerly along the Westerly line of said William Miller to the Southerly Huntsburg Township Line;
- Course No. 21: Thence Westerly along said Southerly Huntsburg Township Line to the Southwesterly corner of said Huntsburg Township;
- Course No. 22: Thence Northerly along the Westerly Huntsburg Township Line to the place of beginning.

C Commercial District

Beginning at the intersection of the centerlines of Madison Road (U. S. Route 528) and Burton-Windsor Road;

- Course No. 1: Thence Southerly along the centerline of said Madison Road to the Southeasterly corner of land conveyed to Peter and Alice M. Kuch by deed recorded in Volume 1395, Page 915 of the Geauga County Deed Records;
- Course No. 2: Thence Westerly along the Southerly line of said Kuch to the centerline of said Burton-Windsor Road;
- Course No. 3: Thence Northeasterly along said Burton-Windsor Road centerline to the place of beginning.

C Commercial District

Beginning at the intersection of the centerlines of Madison Road (U. S. Route 528) and Pioneer Road;

- Course No. 1: Thence Southerly along the centerline of said Madison Road to the Southeasterly corner of land conveyed to Jeffrey S. and Jami M. McNish by deed recorded in Volume 1510, Page 894 of the Geauga County Deed Records;
- Course No. 2: Thence Westerly along the Southerly line of said McNish to the Southwesterly corner thereof;
- Course No. 3: Thence Northerly along the Westerly line of said McNish to the centerline of Pioneer Road;
- Course No. 4: Thence Westerly along said centerline of Pioneer Road to the Southwesterly corner of land conveyed to Richard A. and Judith L. Judd by deed recorded in Volume 854, Page 960 of the aforesaid deed records;
- Course No. 5: Thence Northerly along the Westerly line of said Judd to the Northwesterly corner thereof;
- Course No. 6: Thence Easterly along the Northerly line of said Judd and the Northerly line of land conveyed to Rory A. and Cynthia L. Judd by deed recorded in Volume 1056, Page 526 of the aforesaid deed records to the centerline of said Madison Road;
- Course No. 7: Thence Southerly along said Madison Road centerline to the place of beginning.

C Commercial District

Beginning in the centerline of Clay Street at the Northeasterly corner of land conveyed to David J. and Sheila D. Phelps by deed recorded in Volume 1134, Page 751 of the Geauga County Deed Records;

- Course No. 1: Thence Westerly along the Northerly line of said Phelps to the Northwesterly corner thereof;
- Course No. 2: Thence Northwesterly to the Southeasterly corner of land conveyed to Ronald L. and Catherine M. Welling by deed recorded in Volume 794, Page 1248 of the aforesaid deed records;
- Course No. 3: Thence Westerly along the Southerly line of said Welling to the Southwesterly corner thereof;
- Course No. 4: Thence Northerly along the Westerly line of said Welling to the centerline of Mayfield Road (U. S. Route No. 322);
- Course No. 5: Thence Westerly along said Mayfield Road centerline to the intersection of same with the centerline of Princeton Road;
- Course No. 6: Thence Northerly along said Princeton Road centerline to the Southwesterly corner of land conveyed to Consolidated Investment Corporation by deed recorded in Volume 1255, Page 482 of the aforesaid deed records;

- Course No. 7: Thence Easterly along the Southerly line of said Corporation to the Northwesterly corner of land conveyed to David E. and Maria L. Byler by deed recorded in Volume 1255, Page 324 of the aforesaid deed records;
- Course No. 8: Thence Easterly along the Northerly line of said Byler and the Northerly lines of lands conveyed to Thomas L. and Michelle M. Francisco, to Dominic and Mary Graziano by deeds recorded respectively in Volume 908, Page 343 and Volumes 1441, Page 662 and 664 of the aforesaid deed records to the Northeasterly corner of said Graziano Volume 1441, Page 664;
- Course No. 9: Thence Easterly, parallel with the center line of said Mayfield Road, through lands conveyed to Rollin E. and Susan L. West, Kevin C. O'Connor, Richard P. and Nancy S. Wahl and Rolling Green Golf Club, Inc. by deeds recorded respectively in Volume 989, Page 779, Volume 1360, Page 1146, Volume 1140, Page 683 and Volume 562, Page 913 of the aforesaid deed records, to the centerline of said Clay Street;
- Course No. 10: Thence Northerly along said Clay Street centerline to the Northwesterly corner of land conveyed to Patricia A. Ahlman by deed recorded in Volume 1154, Page 128 of the aforesaid deed records;
- Course No. 11: Thence Easterly along the Northerly line of said Ahlman to the Northeasterly corner thereof;
- Course No. 12: Thence Southerly along the Easterly line of said Ahlman and along the easterly lines of additional land conveyed to said Ahlman and to Michael J. and Carla J. Lechene and to Ravenwood Mental Health Center, Inc. as Parcel 2, by deeds recorded respectively in Volume 1154, Page 130, Volume 1217, Page 1201 and Volume 866, Page 1160 of the aforesaid deed records, to the centerline of said Mayfield Road;
- Course No. 13: Thence Easterly along said Mayfield Road centerline to the Northeasterly corner of land conveyed as Parcel 2 to Loren W. and Jeanne A. Houston by deed recorded in Volume 515, Page 1053 of the aforesaid deed records;
- Course No. 14: Thence Southerly along the Easterly line of said Parcel 2 of Houston to the point from which a line run Westerly there from and parallel with the centerline of said Mayfield Road will intersect the place of beginning;
- Course No. 15: Thence Westerly, through the land of said Houston, along a line parallel with the centerline of Mayfield Road, to the place of beginning.

C Commercial District

Beginning in the centerline of Madison Road (S. R. No. 528) at the Southeasterly corner of land conveyed to Joseph and Mary C. Vunak by deed recorded in Volume 1231, Page 797 of the Geauga County Deed Records;

- Course No. 1: Thence Westerly along the Southerly line of said Vunak to the Southwesterly corner thereof;
- Course No. 2: Thence Northerly along the Westerly line of said Vunak to the Southerly line of land conveyed to the Board of Education Huntsburg, Ohio School District by deed recorded in Volume 239, Page 476 of the aforesaid deed records;
- Course No. 3: Thence Westerly along said Southerly line and the Southerly line of land conveyed to The Board of Trustees of Huntsburg Township by deed recorded in Volume 378, Page 236 of the aforesaid deed records to the Southwesterly corner of said Trustees;
- Course No. 4: Thence Northerly along the Westerly line of said Trustees to the Southerly line of land conveyed as PARCEL ONE to Paul J. and Kathleen Elizabeth Miller by deed recorded in Volume 983, Page 1142 of the aforesaid deed records;
- Course No. 5: Thence Westerly along the Southerly line of said Miller and the Southerly line of land conveyed to the Huntsburg Hungarian Baptist Church by deed recorded in Volume 1342, Page 779 of the aforesaid deed records to the Southwesterly corner of said Baptist Church;
- Course No. 6: Thence Westerly along a line parallel with the centerline of Mayfield Road (U. S. Route No. 322), through lands conveyed to David J. Krus, William G. Motil and Grace Motil by deeds recorded respectively in Volume 949, Page 1378, Volume 849, Page 524 and Volume 1138, Page 452 of the aforesaid deed records to the Westerly line of said Grace Motil;
- Course No. 7: Thence Northerly along the Westerly line of said Grace Motil to the centerline of said Mayfield Road;
- Course No. 8: Thence Easterly along said Mayfield Road centerline to the Southwesterly corner of land conveyed to Julianna Visser by deed recorded in Volume 957, Page 257 of the aforesaid deed records;
- Course No. 9: Thence Northerly along the Westerly line of said Visser and the Westerly lines of lands conveyed to Kenneth R. Miller as PARCEL TWO, PARCEL THREE and PARCEL FOUR by deed recorded in Volume 776, Page 840 and along the Westerly line of lands conveyed to Nardi Investments, LLC by deed recorded in Volume 1348, Page 5 of the aforesaid deed records, to the most Northwesterly corner of said Nardi;
- Course No. 10: Thence Easterly along the most Northerly line of said Nardi lands to the centerline of said Madison Road;
- Course No. 11: Thence Southerly along said centerline to the Northwesterly corner of land conveyed to Theodore S. and Jean W. Taylor by deed recorded in Volume 1413, Page 1039 of the aforesaid deed records;
- Course No. 12: Thence Easterly along the Northerly line of said Taylor to the Northeasterly corner thereof;

- Course No. 13: Thence Easterly through lands conveyed to Jacqueline I. Buckels, Florian Robert and Sandra Bremec and John K. Betker by deeds recorded respectively in Volume 1291, Page 175, Volume 1291, Page 177 and Volume 824, Page 787 of the aforesaid deed records to the Northwesternly corner of land conveyed to Thomas P. and Barbara A. Noll by deed recorded in Volume 508, Page 926 of the aforesaid deed records;
- Course No. 14: Thence Easterly along the Northerly line of said Noll and the Northerly lines of lands conveyed to Tony J. and Elizabeth H. Zalar and to Mitchell B. and Aretta V. Rose by deeds recorded respectively in Volume 884, Page 1258 and Volume 733, Page 754 of the aforesaid deed records, to the Northeasterly corner of said Rose;
- Course No. 15: Thence Southerly along the Easterly line of said Rose to the centerline of said Mayfield Road;
- Course No. 16: Thence Westerly along said centerline to the Northeasterly corner of land conveyed to Northeasterly corner of land conveyed to P. H. Thurling, Trustee by deed recorded in Volume 701, Page 1440 of the aforesaid deed records;
- Course No. 17: Thence Southerly along the Easterly line of said Thurling, Trustee to the Southeasterly corner thereof;
- Course No. 18: Thence Westerly along the Southerly Line of said Thurling, Trustee to the Northeasterly corner of land conveyed to said P. H. Thurling, Trustee by deed recorded in Volume 701, Page 1423 of the aforesaid deed records;
- Course No. 19: Thence Southerly along the Easterly line of said Thurling, Trustee and the easterly line of additional lands conveyed to said Thurling, Trustee to the Northeasterly corner of land conveyed to Park H. Thurling, Jr. and June S. Thurling, co-trustees for T. T. J. Trust No. 2 by deed recorded in Volume 750, Page 196;
- Course No. 20: Thence Southerly along the Easterly line of said T.T.J. Trust No. 2 lands and the Easterly lines of lands conveyed to Park H. Thurling, Trustee under the T.T.J. Trust No. 1, and to the Orthodox Russian Church Huntsburg Township by deeds recorded respectively in Volume 1268, Page 1007 and Volume 154, Page 616 of the aforesaid deed records, to the Southeasterly corner of said Church;
- Course No. 21: Thence Westerly along the Southerly line of said Church to the Northeasterly corner of land conveyed to Pauline Koenig by deed recorded in Volume 251, Page 486 of the aforesaid deed records;
- Course No. 22: Thence Southerly along the Easterly line of said Koenig and the Easterly line of additional land conveyed to said Koenig by deed recorded in Volume 251, Page 487 of the aforesaid deed records to the Southeasterly corner of said Volume 251, Page 487 Koenig land;
- Course NO. 23: Thence Westerly along the Southerly line of said Koenig Volume 251, Page 487 land to the centerline of said Madison Road;
- Course No. 24: Thence Northerly along said centerline to the place of beginning.

(a) **I Industrial District**

Beginning in the intersection of the centerlines of Madison Road (S. R. 528) and Pioneer Road;

Course No. 1: Thence Northerly along said Madison Road centerline to the intersection of said centerline with the Southwesterly corner of land conveyed to Pauline Koenig by deed recorded in Volume 251, Page 487 of the Geauga County Deed Records;

Course No. 2: Thence Easterly along the Southerly line of said Koenig to the Southeasterly corner thereof;

Course No. 3: Thence Northerly along the Easterly line of said Koenig and the Easterly line of additional land conveyed to said Koenig by deed recorded in Volume 251, Page 486 of the aforesaid Deed Records to the northeasterly corner of said Koenig Volume 251, Page 486;

Course No. 4: Thence Easterly along the Southerly lines of lands conveyed to the Orthodox Russian Church Huntsburg Township and to Gerald James Kiesner and Grefory Alois Kiesner by deeds recorded in respectively Volume 154, Page 616 and Volume 798, Page 1252 of the aforesaid deed records to the Southeasterly corner of said Kiesner;

Course No. 5: Thence Southerly along the Westerly line of land conveyed to Huntsburg Township by deed recorded in Volume 824, Page 668 of the aforesaid deed records to the Southwesterly corner thereof, said Southwesterly corner being in the Westerly line of Original Huntsburg township Lot No. 47;

Course No. 6: Thence Southerly along said Westerly line of Original Lot No. 47 to the Northwesterly corner of land conveyed to Timothy A. and Delores A. Frank by deed recorded in Volume 734, Page 404 of the aforesaid deed records;

Course No. 7: Thence Easterly along the Northerly line of said Frank and the Northerly line of additional land conveyed to said Frank by deed recorded in Volume 1180, Page 866 of the aforesaid deed records, to the Northeasterly corner of said Frank volume 1180, Page 866;

Course No. 8: Thence Southerly along the Easterly line of said land conveyed to Frank by deed recorded in Volume 1180, Page 866 and the Easterly line of land conveyed to Felicia Rose Button, et al. by deed recorded in Volume 1126, Page 298 of the aforesaid deed records, to the centerline of Pioneer Road;

Course No. 9: Thence Westerly along said centerline of Pioneer Road to the Northwesterly corner of land conveyed to Ronald L. and Geraldine A. Gwinn by deed recorded in Volume 1107, Page 101 of the aforesaid deed records;

Course No. 10: Thence Southerly along the Westerly line of said Gwinn and the Westerly lines of lands conveyed to Raymond G. and bonnie L. Townsend and to Jake L. and Susie Y. Byler and Joe J. S. and Katie Byler as Parcel One by deeds recorded respectively in Volume 637,

Page 546 and Volume 1138, Page 1338 of the aforesaid deed records to the centerline of Burton-Windsor Road;

Course No. 11: Thence Westerly along said Burton-Windsor Road centerline to the centerline of Madison Road and the place of beginning.

301.0 Official Zoning Map

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

In the event of discrepancies between the zoning map and the legal description of each zoning district as provided in section 300.1, the legal description of the zoning district shall be controlling.

The official township-zoning map shall be identified by the signatures of the township trustees and attested to by the Fiscal Officer together with the date of its adoption and the effective date.

301.1 Location of Official Zoning Map

The official township zoning map shall be located in the office of the Fiscal Officer in the Huntsburg town hall, who shall be responsible for its custody and safekeeping, and shall not be removed there from except by township officials for the purpose of conducting township business.

301.2 Amendments to the Official Map

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

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

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

ARTICLE IV
DISTRICT REGULATIONS

Section

400.0 General

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

401.0 Prohibited Uses In All Zoning Districts

- A. Any use not specifically listed in this resolution, shall not be permitted, nor shall any zoning certificate be issued. Therefore, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article XII or a variance has been granted in accordance with Article XIV.
- B. Signs not in conformity with the sign regulations contained in this resolution shall be prohibited.
- C. Mobile homes shall be prohibited.
- D. Junk vehicles: The storage of junk vehicles, including unlicensed collector's vehicles as defined in O.R.C. 4501.01(F), outside of a fully enclosed building shall be prohibited. However, this regulation shall not restrict a lawfully existing scrap metal processing facility duly licensed by the State of Ohio as referenced in R.C. Section 505.173.
- E. Automotive wrecking yards, junkyards and the storage or burial of junk shall be prohibited.
- F. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, hazardous waste, offal or dead animals shall be prohibited.
- G. Manufacturing or storage of explosives or fireworks shall be prohibited.
- H. Bulk petroleum stations with tanks above ground shall be prohibited.
- I. Distilling of bones, fat or glue, or gelatin manufacturing shall be prohibited.
- J. Other manufacturing, processing or any activity, which produces noxious odors, vibration, smoke, heat, glare, flame, dust, or noisome substances, which would adversely affect the resident's health or safety, shall be prohibited.
- K. New construction or potential obstructions located in such a manner as to shadow

an existing solar energy system shall be prohibited.

- L. The manufacture, distribution or sale of drug paraphernalia, as herein defined and drug paraphernalia establishments shall be prohibited.

Drug paraphernalia establishments do not include manufacturers, practitioners, pharmacists, and owners of pharmacies or other persons, who conduct a business or profession in accordance with Chapters 3719, 4715, 4729, 4731, and 4741 of the Ohio Revised Code.
- M. Wind powered devices not equipped with a safety control governor or device or located such that the distance of its base from adjacent property lines and power lines exceeds its maximum height shall be prohibited.
- N. Manufactured and mobile home parks shall be prohibited.
- O. Lighting fixtures and devices from which direct glare is visible on adjoining roads or lots shall be prohibited. Flashing lights shall be prohibited, with the exception of holiday /seasonal lighting.
- P. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to emission of odor, smoke, fumes, cinders, dust, noise, gas, vibration, electrical interference, refuse matter, water carried wastes or which will interfere with adjacent landowners' enjoyment of the use of their lands.
- Q. The storage, incineration or burial of hazardous waste as defined in O.A.C. 3745-51-03 and O.R.C. 3734.01(J) shall be prohibited unless it is a part of a hazardous waste facility pursuant to O.R.C. 3734.05(E).
- R. Landfills for the burial of solid waste, open dumping, solid waste facilities, solid waste transfer facilities, construction and demolition debris facilities, and scrap tire collection facilities as defined in O.R.C. Chapter 3734 shall be prohibited.
- S. The storage, incineration, or burial of infectious waste as defined in O.A.C. 3745-27-01(I)(6) and O.R.C. 3734.01(R) shall be prohibited.
- T. Any wholesale or retail sales of goods, products, merchandise or services from vehicles or within a public road right-of-way shall be prohibited.
- U. The use of vehicles, parts of vehicles, or anything manufactured for the purpose of transporting persons or property including semi-trailers, mobile homes, mobile tool sheds, shipping containers, and railroad cars as a storage building, unit or structure shall be prohibited.
- V. Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. 519.21.

402.0 Residential Districts

The purpose of the R-5 and R-3 Residential Districts is to reasonably regulate and allow low density single family residential use thereby protecting the ground water supply and recognizing the capability of the soils and other natural resources to support such development.

A. Classifications

1. Residential 5 (R-5) means low density and open space. Minimum lot area shall be five (5) acres.
2. Residential 3 (R-3) means medium-low density. Minimum lot area shall be three (3) acres.

402.1

Permitted Principal Buildings, Structures, and Uses

- A. Single family detached dwellings, including industrialized units and manufactured homes (other than mobile homes) subject to Section 402.11. There shall be no more than one single family detached dwelling on a lot.
- B. Public and semi-public uses: churches, Sunday schools, public and parochial schools, colleges, government offices, governmental highway garages, police and fire stations, libraries, and other institutions of an educational, religious, charitable or philanthropic nature.
- C. Public parks owned or leased by a political subdivision of the State of Ohio.
- D. Licensed residential facility in accordance with section 402.12.

402.2

Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with and incidental or subordinate to the principal permitted building, structure, or use) not requiring a zoning certificate and permitted in required yards.

- A. Fences and walls in accordance with the following regulations:
 1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 3. Fences and walls shall not be constructed in any manner likely to cause physical injury.
 4. Fences and walls shall not be unsafe or be in danger of falling.
- B. Radio, television antennas, and ground mounted satellite dish antennas in accordance with section 402.8 B. An antenna for amateur radio service communications shall be permitted. An antenna for amateur radio service communications shall not be located in front of any principal building on a lot.
- C. No radio, television, or satellite dish antenna that is larger than two (2) meters (seventy-eight (78) inches) in diameter, in accordance with Section 207 of the Telecommunications act of 1996, shall be located in a front yard or in front of a principal building on a lot
- D. Minor accessory structures:
 - Barbecue pits and fireplaces
 - Chimneys
 - Doghouses

Flagpoles
Horseshoe pits and other recreational facilities
Mailboxes and newspaper tubes
Uncovered (without a roof) patios, porches, steps, ramps, and decks
Gazebos and pavilions of less than one hundred fifty (150) square feet without a permanent foundation
Ornamental and security lighting fixtures
School bus shelters
Shuffleboard courts
Swimming pools – temporarily installed, meeting front yard setbacks as well as side and rear yard requirements of the district in which they are located.
Swing sets and related recreational equipment
Landscaping features including earthen mounds and retaining walls
Walkways and trails
Stormwater management and sediment control facilities in accordance with Geauga Soil and Water Conservation District Regulations
Heating and air conditioning equipment, fuel tanks, and emergency generators
Fire protection ponds

E. On-site sanitary sewage treatment and drinking water facilities

F. Utility building

1. one (1) per lot without a permanent foundation, having a total floor area of no more than two hundred (200) square feet.
2. a vehicle or a converted vehicle shall not be used as a utility building

G. Ponds should be constructed in accordance with the Geauga Soil and Water Conservation District booklet entitled "Landscape Pools and Ponds" (1989) and the United States Department of Agriculture Handbook (no. 590) entitled "Ponds – Planning, Design, Construction" (1982).

H. Parking Commercial Motor Vehicles in Residential Zoning Districts

1. No person shall park more than one (1) commercial motor vehicle as defined in Section 201.0 on any lot within a residential zoning district.
2. The commercial motor vehicle shall be fully operable at all times and have a valid license displayed on it.
3. The lot on which a commercial motor vehicle is parked shall be owned or leased by the owner or lessee of the vehicle.
4. The commercial motor vehicle shall be parked within a fully enclosed building or within a driveway located and constructed in accordance with Article VI, Section 606.0.

402.3

Permitted Accessory Buildings, Structures, and Uses, which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use, requiring a zoning certificate and are subject to provisions in Article XI:

A. Wind powered devices equipped with a safety control governor or device and located such that the distance of its base from adjacent property lines and power lines does not exceed its maximum height. There shall be no more than one (1) per lot and shall not be located in the front of a principal building.

- B. Private garages designed and used for the storage of vehicles and personal property owned and/or operated by the occupants of the principal building or structure.
- C. Permanently installed, above ground, in ground and combination swimming pools in accordance with the following regulations:
 - 1. Shall meet front yard setbacks and side and rear yard requirements of the district in which they are located.
 - 2. In ground and in ground portions of combination swimming pools shall be completely enclosed by a fence, at least four (4) feet in height.
- D. Signs in accordance with Article VII.
- E. Driveways, off-street parking and loading/unloading spaces in accordance with Article VI.
- F. Covered (with a roof) porches, patios, ramps, steps, breezeways, and decks.
- G. Utility buildings having a floor area of more than two hundred (200) square feet per building.
- H. Farm markets, provided that fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. The maximum building size shall be five hundred (500) square feet.
- I Gazebos and pavilions two hundred (200) square feet or more in area.
- I. Class I Home Occupations Classified as a Permitted Use
 - A. Home occupations classified, as a permitted use, with a zoning certificate required, shall be limited to the following.
 - 1. Offices
 - 2. Services involving pet grooming, childcare, barber shops, beauty salons, educational instruction, photography, printing, and sewing.
 - 3. Internet sales.
 - 4. Type B family day-care home.
 - B. Regulations for Home Occupations
 - 1. The principal dwelling shall be constructed and occupied by the owner and/or lessee prior to the approval of an application for a home occupation
 - 2. A home occupation shall comply with all of the regulations for the zoning district in which it is located, as well as the regulations contained in this section of the zoning resolution.
 - 3. A home occupation shall comply with all of the following regulations.
 - a. There shall be no more than one (1) permitted home occupation on a lot.
 - b. A home occupation shall be conducted entirely within a dwelling or a fully enclosed accessory building on a lot.

- c. An accessory building containing a home occupation shall be detached from the dwelling on the same lot and shall be setback a minimum one hundred (100) feet from a front lot line and a minimum of fifty (50) feet from any side and rear lot lines.
- d. There shall be no exterior storage (outside of a dwelling or fully enclosed accessory building) of materials, goods, products, equipment, vehicles or any other item associated with the conduct of a home occupation on a lot.
- e. No products or other items for sale related to the conduct of a home occupation shall be located in any required front yard setback or in the front of the dwelling on a lot.
- f. The maximum floor area used for a home occupation shall be:

Within a dwelling: twenty-five percent (25%) of the total floor area of the dwelling.

Within an accessory building:
 - 1. One thousand (1,000) square feet for a lot less than three (3) acres in area.
 - 2. One thousand eight hundred (1,800) square feet for a lot three (3) acres and up to four point nine (4.9) acres in area.
 - 3. Two thousand four hundred (2,400) square feet for a lot five (5) acres and up nine point nine (9.9) acres in area.
 - 4. Three thousand (3,000) square feet for a lot ten (10) acres and up to nineteen point nine (19.9) acres in area.
 - 5. Three thousand six hundred (3,600) square feet for a lot twenty (20) acres and over in area.
- g. No more than five (5) off-street parking spaces for patrons and employees shall be provided and such spaces shall comply with the regulations in Article VI, shall be on the same lot as the home occupation, and shall not be located in any required front yard setback or in the front of any dwelling on a lot.
- h. No more than one (1) sign shall be located on the lot and it shall comply with the regulations in Article VII. Any vehicle with a business name or sign on it related to the conduct of the home occupation shall be parked in a fully enclosed building on the lot.
- i. A home occupation shall be owned and operated by the owner and/or lessee residing on the lot on which it is located.
- j. No more than five (5) persons, other than the owner(s) and/or lessee(s) residing on the lot, shall be employed in the home occupation.
- k. The operation of a home occupation shall not produce noise, vibration, smoke or other particulate matter, odors, heat or glare discernable to the ordinary human senses at the boundary of the lot on which a home

occupation is conducted.

- I. If applicable, written evidence shall be submitted with the application for a zoning certificate that the appropriate governmental agency has approved the water and sewage facilities to serve a home occupation and other pertinent codes, regulations, and licensing requirements have been met, including the fire code.
 - m. An accessory building containing a home occupation shall have a minimum "A" roof pitch of 3:12.
- K. Outdoor wood-fired boilers (OWB). An OWB shall not be located in the front yard or in front of a principal building.
- L. Freestanding solar panels and solar panel arrays. Freestanding solar panels and solar panel arrays shall not be located in the front yard or in the front of a principal building. Roof mounted solar panels shall be permitted with no zoning certificate required.
- M. One (1) accessory dwelling unit may be permitted on a lot subject to the following regulations:
 1. It shall be attached to the principal single family dwelling unit by a common wall with at least one point of internal ingress/egress between the dwelling units. The common wall area for the accessory dwelling unit shall be a minimum of fifty percent (50%) of the principal dwelling unit wall to which it is attached. Attachment of an accessory dwelling unit to a principal dwelling unit by an enclosed or unenclosed breezeway, hallway, porch, deck, patio or walkway is not permitted.
 2. The maximum floor area shall be nine hundred (900) square feet.
 3. An attached garage, if separate from an attached garage serving the principal dwelling unit, shall not be permitted.
 4. The principal single family dwelling unit shall be occupied by the owner of the lot and all occupants of the accessory dwelling unit shall be members of the owner's family. For purposes of this regulation, "family" means one (1) or more persons related by blood, adoption, guardianship or marriage.
 5. An accessory dwelling unit shall not be classified as a two-family dwelling as defined in this resolution.
 6. 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.
 7. 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.
- N. Freezer Lockers and Freezer Locker Buildings subject to the following regulations:
 1. There shall be no more than one (1) freezer locker building located on a lot.

2. The maximum size of a freezer locker building shall be four hundred (400) square feet.
3. The minimum yards (setbacks) shall be in accordance with Section 402.7(B).
4. The minimum off-road parking area shall be four hundred (400) square feet, it shall be constructed of concrete or aggregate material, and shall not be located within the minimum yards (setbacks) specified in subparagraph 3 hereinabove.
5. There shall be no exterior signage.
6. A freezer locker building shall be in compliance with all other applicable regulations for the zoning district in which it is located, including minimum lot area, minimum lot frontage and width, maximum building height, maximum lot coverage, and exterior lighting.
7. A freezer locker building shall be permanent, fully enclosed, and used only for the storage of personal food products and ice by authorized persons. It shall not be used for the storage of items for retail or wholesale sales or for a profit-making venture.
8. If any freezer lockers are leased, an executed copy thereof shall be provided to the zoning inspector.
9. Upon the permanent termination of the use of a building for freezer lockers, they shall be removed from the building and lot and the use of the building shall be in accordance with the applicable provisions of this resolution then in effect.

402.4

Conditional Buildings, Structures and Uses

Conditional buildings, structures, and uses may be allowed in accordance with Article V, the following conditions and are subject to the provisions in Article XI:

A. Public or Private Golf Club or Golf Course: Conditions

1. There shall be provided a minimum lot area of one hundred sixty (160) acres for an eighteen (18)-hole golf course.
2. Eight (8) off-street parking spaces shall be provided for each green. Where driveways are required to provide accessibility to the parking spaces, they shall have an unobstructed width of at least twenty-four (24) feet.
3. The driveways used to provide accessibility to such club or course shall be so located and arranged to minimize traffic congestion as follows:
 - a. A center line of such driveway shall be at least one hundred (100) feet from the right-of-way line of any intersecting street where the driveway and intersecting street on the same side of the street.
 - b. The minimum width of such driveway shall be twenty-four (24) feet and the maximum width shall be thirty (30) feet measured at right angles to the line of the driveway entrance. Such driveway shall have an apron of six (6) feet radius at the curb to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.
 - c. The driveways shall be paved or surface treated to minimize dust.
4. Any golf course located in a manner which requires golfers to cross a road or

highway shall provide safety signs to warn motorists.

5. All signs shall be in compliance with the provisions of Article VII.
6. No building shall be used as a dwelling, which does not conform completely to the requirements of this Resolution.
7. A clubhouse, maintenance buildings, sheds, and shelters may be permitted. Retail sales and services may be permitted. Such sales and services may include a restaurant, snack bar, and sale and repair of athletic equipment associated with the golf club or golf course.
8. All buildings, structures, edges of fairways and outdoor activities shall be at least one hundred (100) feet from all lot lines.
9. The construction of the clubhouse and the required off-street parking spaces shall be completed within two (2) years and at least nine (9) holes of the golf course within three (3) years of the date of issuance of the zoning certificate.

B. Class II Home Occupations Classified as a Conditional Use

Home occupations classified, as a conditional use, with a conditional zoning certificate required, shall be limited to the following.

- A. Assembly, repair, sales, and service of electronic and mechanical devices and equipment.
- B. Assembly, repair, sales, and service of items and products made of fabric, glass, leather, metal, plastic, vinyl, and wood.
- C. Building and construction tradesmen
- D. Craft and hobby shops
- E. Landscaping, lawn care and snowplowing services
- F. Crafting of items made of fabric, glass, leather, or wood.
- G. Preparation and sale of processed food products, dry goods, and bulk food items
- H. Sale of paint, floor coverings, and wallpaper

The conditions for home occupations classified as a conditional use shall be in accordance with the regulations set forth in Article IV, Section 402.3 (I) (B).

C. Nursing Homes and Residential Care Facilities: Conditions

1. A nursing home or residential care facility shall conform to all the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article VI.
3. Signs shall be in accordance with Article VII.
4. Written proof of compliance with applicable state licensing requirements shall be provided.

402.5 Minimum Lot Area Exclusive of the Road Right-Of-Way

The minimum lot area for each principal permitted or conditional use, except as otherwise provided herein, shall be as follows:

Zoning District	R-3	R-5
Minimum Lot Area (Acres)	3	5

402.6 Minimum Lot Requirements

A. Frontage and Width

Zoning District	R-3	R-5
Minimum Lot Frontage and Width (feet)	200	250

402.7 Minimum Yards (Setbacks)

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

Zoning District	R-3	R-5
Front Yard (feet)	100	100
Each Side Yard (feet)	30	50
Rear Yard (feet)	30	50
Corner Lot Side Yard on Road Right-of-Way (feet)	50	50

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

Zoning District	R-3	R-5
Front Yard (feet)	100	100
Each Side Yard (feet)	30	50
Rear Yard (feet)	30	50
Corner Lot Side Yard on Road Right-of-Way (feet)	50	50

402.8 Maximum Height

A. The maximum height of all buildings, structures, and uses, except those listed in paragraph "B" herein and Article VII, shall be as follows.

Zoning District	R-3	R-5
Maximum Height (feet)	35	35
Maximum Number of Stories	2 ½	2 ½

B. Maximum Special Heights

1. The height of radio and/or television antennas and flagpoles shall not be greater than the distance from the base of the structure to any lot line or public utility power line easement. There shall be no maximum height requirement for amateur radio communication antennas.
2. The height of electrical generating wind system devices shall not be greater than the distance from the base of the device to any lot line or public utility power lines.
3. Belfries, church spires, clock towers, cupolas, and chimneys: no maximum height requirement.
4. Wireless telecommunications towers and appurtenant facilities shall be in accordance with Article XIII.

402.9 Maximum Lot Coverage

Zoning District	R-3	R-5
Maximum Percentage of Lot Coverage	45	45

402.10 Minimum Floor Area

- A. The minimum floor area for a single family detached dwelling shall be as follows. In calculating the minimum floor area basements; crawl spaces; attics; garages; and enclosed or unenclosed porches, decks, patios, and breezeways shall not be included.

Zoning District	R-3	R-5
Minimum Floor Area (square feet)	1,200	1,200

- B. There shall be no minimum floor area requirement for the other buildings, structures, and uses allowed in the R-3 and R-5 zones except as may otherwise be provided herein.

402.11 Manufactured Homes

- A. Manufactured homes in the R-3 and R-5 zones shall conform to the following minimum requirements. A manufactured home shall be permanently sited on a lot and shall:
1. Conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 U.S.C.A. Section 5415, and be manufactured after January 1, 1995; and
 2. Have all hitches, axles, wheels, running lights and other indicia of mobility removed from the home; and
 3. Be exclusive of any addition, having a width of not less than twenty-two (22) feet at one point, a length of not less than twenty-two (22) feet at one point, and a minimum floor area in accordance with the residential district in which it is located; and
 4. Have a minimum "A" roof pitch of 3:12, conventional residential siding, and a minimum of 6-inch eave overhang, including appropriate guttering; and

5. Be permanently installed upon and properly attached to a foundation system that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to appropriate facilities; and
 6. Conform to all residential district regulations for the district in which it is located.
- B. In addition to the above requirements the owner shall surrender the title to the manufactured home to the county auditor upon its placement on a permanent foundation and such surrender shall be notice to the county auditor to tax the manufactured home as real property.

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

- A. Requirements for a permitted licensed residential facility as defined in O.R.C. 5119.34(B)(1)(b) and 5123.19(A)(5)(a) and which is operated pursuant to O.R.C. Section 5119.341(A) and 5123.19(M) respectively shall include the following:
1. The area, height, and yard requirements for the residential district in which it is located shall be met.
 2. Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided.
 3. There shall be no more than one (1) licensed residential facility on a lot.

402.13 Fire Protection Ponds

A platted subdivision containing fifteen (15) or more total sub lots shall include a pond for fire protection; and shall be constructed by the owner in accordance with the standards and specifications of the Middlefield Fire Department. The pond shall include the installation of a dry hydrant. The dry hydrant shall be installed in accordance with the standards and specifications of the Middlefield Fire Department and shall be so located as to permit access by firefighting and emergency vehicles. No zoning certificate shall be required for the installation of a fire protection pond or dry hydrant; however, the township zoning inspector shall not approve and sign a final plat for a subdivision until the standards and specifications of the Middlefield Fire Department have been met for the design and installation of the fire protection pond, the dry hydrant, and access thereto. If a subdivision is phased, the pond shall be constructed in the first phase.

402.14 Sewage Treatment Facilities

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

402.15 Exterior Lighting

Exterior lighting shall be in accordance with section 403.12.

402.16 Replacement of Single Family Detached Dwelling

Notwithstanding the provisions of Section 402.1(A), the Zoning Inspector may issue a zoning certificate for a new single family detached dwelling on a lot, that otherwise complies with all of the applicable regulations for the affected zoning district, in order to replace a preexisting dwelling on the same lot provided the preexisting dwelling shall be completely removed from the affected lot within ninety (90) days from the date that an

occupancy permit for the new dwelling has been issued by the County Building Department. The owner of the lot shall provide a written and notarized statement to the Zoning Inspector, at the time of the submission of an application for a zoning certificate, that he/she acknowledges and understands that the preexisting dwelling shall be completely removed from the affected lot within the time period specified herein and no time extension shall be granted.

403.0 Commercial District

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

403.1 Permitted Principal Buildings, Structures and Uses

- A. All of the principal buildings, structures, and uses permitted in the residential district (section 402.1).
- B. Retail business establishments limited to the following:
 - Agricultural supply store
 - Antique shop
 - Artist's supply store
 - Auction hall
 - Bakery
 - Bookstore
 - Clothing and apparel store
 - Drapery and fabric store
 - Drugstore
 - Florist shop
 - Food and beverage store, including supermarket, grocery store, meat market and delicatessen
 - Furniture, household goods, radio, television, electronics, and appliance store
 - Hardware and paint shop
 - Hobby shop
 - Jewelry store
 - Lawn and garden equipment store
 - Luggage and leather goods store
 - Medical and orthopedic appliance store
 - Music and musical instrument store
 - Newsstand
 - Office supply store
 - Photographic supply store
 - Plumbing and heating supply store
 - Record and video shop
 - Seed and garden supply store
 - Sporting goods store
 - Variety store
 - Vehicle parts store
- C. Service establishments limited to the following:
 - Ambulance Service
 - Appliance repair shop
 - Bank, savings and loans, and other lending institutions
 - Bed and breakfast establishments
 - Bowling alley
 - Business services engaged in rendering service to business establishments on a fee or contract basis including advertising services, employment services,

management and consultant services, and mailing services

Caterer
Childcare, including a child day-care center
Commercial parking garage and lot
Dry-cleaner
Frozen food locker
Funeral home
Hotel/motel
Indoor ice-skating and roller-skating rink
Indoor theater
Interior decorator
Jewelry, clock and watch repair
Laundry
Meeting hall and party center
Museum
Newspaper office
Office equipment repair shop
Photographic studio
Professional and commercial office
Racquetball court
Rental storage facility
Restaurant
Tavern
Tennis court
Tool rental store
Vehicle wash
Welding shop

D. Cemeteries in accordance with applicable state and county regulations.

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

A. All of the permitted accessory buildings, structures, and uses set forth in sections 402.2 and 402.3.

403.3 Conditional Buildings, Structures and Uses

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

A. Hospitals and veterinary hospitals: Conditions

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

B. Nursing homes and Residential Care Facilities: Conditions

1. A nursing home or residential care facility shall conform to all the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article VI.

3. Signs shall be in accordance with Article VII.
 4. Written proof of compliance with applicable state licensing requirements shall be provided.
- C. Service stations: Conditions
1. All fuel storage tanks shall be completely underground.
 2. Pumps and canopies shall be a minimum of fifty (50) feet from the road right-of-way margin.
 3. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
 4. All storage of supplies shall be within enclosed buildings during non-business hours.
 5. No more than five (5) vehicles may be stored outside.
 6. The number of off-street parking spaces shall be in accordance with Article VI.
 7. Signs shall be in accordance with Article VII.
 8. A service station shall comply with all of the regulations for the zoning district in which it is located.
- D. Vehicle repair garages: Conditions
1. All repairs or servicing of motor vehicles shall be within completely enclosed buildings
 2. All storage of supplies shall be within completely enclosed buildings.
 3. No more than five (5) vehicles may be stored outside.
 4. The number of off-street parking spaces shall be in accordance with Article VI.
 5. Signs shall be in accordance with Article VII.
 6. A vehicle repair garage shall comply with all regulations for the zoning district in which it is located.
- E. Vehicle sales, lease, and rental lots: Conditions
1. No vehicle shall be parked for display within fifty (50) feet of the road right-of-way.
 2. All vehicles shall be in fully operable condition.
 3. The number of off-street parking spaces shall be in accordance with Article VI.
 4. Signs shall be in accordance with Article VII.
 5. A vehicle sales lot shall conform to all of the regulations for the zoning district in which it is located.

6. There shall be no vehicle repairs.
7. The sales lot area where vehicles are parked shall be paved with asphalt or concrete.

403.4 Minimum Lot Area Exclusive of Road Right-Of-Way

The minimum lot area for each principal permitted or conditional use, except as otherwise provided in this resolution, shall be three (3) acres.

403.5 Minimum Lot Frontage and Width

- A. The minimum lot frontage and width shall be two hundred (200) feet.

403.6 Minimum Yards (Setbacks)

- A. The minimum yards (setbacks) for all buildings, structures, and uses including accessory buildings, structures and uses shall be as follows.

Minimum Yard (Setback)	Feet
Front yard	100
Each side yard	30
Rear yard	30
Corner Lot side yard on road right-of-way	50

B. Buffer Zone

1. A buffer zone of not less than twenty (20) feet in width shall be required wherever a residential district abuts a commercial district. The twenty (20) feet shall be included in the setback requirements. No structure, building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the commercial district and on the same lot with the principal building, structure or use.
2. All buffer zones abutting a residential district along the side or rear lot lines shall be appropriately screened by densely planted evergreen landscaping, which shall be maintained in good condition and be free of all advertising or other signs. Evergreens shall be a minimum height of four (4) feet at the time of planting and shall be spaced ten (10) feet on center.

403.7 Maximum Height

The maximum height requirement shall be as set forth in Section 402.8 and Article VII.

403.8 Maximum Lot Coverage

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

403.9 Permitted Buildings, Structures, and Uses in Required Yards

Permitted buildings, structures, and uses in required yard areas shall be as set forth in Sections 402.2, 403.13, and 403.14.

403.10 Minimum Distance Between Buildings

The minimum distance between buildings on the same lot shall be thirty (30) feet.

403.11 Fire Protection Ponds

If the total floor areas of the buildings on a lot contain twelve thousand (12,000) square feet or more, then a fire protection pond shall be constructed thereon, unless it is determined by the Fire Department that a pond is not required. Fire protection ponds and dry hydrants shall be designed and installed in accordance with Section 402.13.

403.12 Exterior Lighting

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

403.13 Exterior Display or Sales Areas

Exterior display or sales areas for goods and merchandise shall be a minimum of twenty (20) feet from any front lot line or fifty (50) feet from the centerline of the road right-of-way, whichever is greater and a minimum of twenty (20) feet from any side or rear lot lines. Exterior sales or display areas for goods and merchandise shall not be located within any off-street parking spaces, loading/unloading spaces or driveways on a lot.

403.14 Exterior Storage Areas and Trash Receptacles

Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, structure or use of the lot shall be a minimum of twenty (20) feet from any front lot line or fifty (50) feet from the centerline of the road right-of-way, whichever is greater and a minimum of twenty (20) feet from any side or rear lot lines, unless otherwise specified in this resolution. Exterior trash receptacles or dumpsters shall be fully screened and shall not be located in the front of any principal building on a lot or in any front yard. Exterior trash receptacles or dumpsters shall be a minimum of twenty (20) feet from any side or rear lot lines.

403.15 Sewage Treatment Facilities

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

404.0 Industrial District

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

404.1

Permitted Principal Buildings, Structures, and Uses

- A. All of the principal buildings, structures, and uses permitted in the residential and commercial districts.
- B. Light manufacturing and assembling limited to the following:
 - Canvas products
 - Ceramic products
 - Clay products
 - Concrete batching plants
 - Cosmetics and toiletries
 - Electronic components
 - Fabricated metal products
 - Food
 - Glass and optical products
 - Jewelry, clocks and watches
 - Leather and vinyl products
 - Masonry block plants
 - Musical instruments
 - Office and business machines
 - Pallet shops
 - Photographic equipment
 - Plastic products
 - Prefabricated elements of buildings and structures
 - Rubber products
 - Scientific and other precision instruments
 - Sporting goods
 - Textile mill products
 - Toys
 - Vehicles
 - Wood products
- C. Service establishments limited to the following:
 - Airports
 - Building material sales
 - Building trade contractors' establishments
 - Cabinet and craft shops
 - Carpet cleaning establishments
 - Ice storage and sales
 - Laundry, linen and diaper supply establishments
 - Machine shops
 - Metal working shops
 - Millwork
 - Photographic development establishments
 - Sign shops
 - Stationary sawmills
- D. Warehouses
- E. No unreasonable amount of noise, vibration, smoke or other particulate matter, odors, heat, humidity, glare, or other objectionable effects shall be produced by the uses

permitted herein.

404.2 Conditional Buildings, Structures, and Uses

Conditional buildings, structures, and uses may be allowed in accordance with Article V.

- A. All of the conditional buildings, structures, and uses permitted in the residential district and the commercial district.
- B. Adult Oriented Businesses (as defined in Article XV) provided such businesses are in conformity with all of the conditions set forth in Article XV and comply with all of the regulations for the Industrial District as specified in this resolution.

404.4 Minimum Lot Area Exclusive of Road Right-Of-Way

The minimum lot area for each principal permitted or conditional use, except as otherwise provided in this resolution, shall be five (5) acres.

404.5 Minimum Lot Frontage and Width

The minimum lot frontage and width shall be two hundred fifty (250) feet.

404.6 Minimum Yards (Setbacks)

- A. The minimum yards (setbacks) for all buildings, structures and uses including accessory buildings, structures and uses shall be as follows.

Minimum Yard (Setbacks)	Feet
Front yard	100
Each side yard	50
Rear yard	50
Corner Lot side yard on road right-of-way	50

- B. Buffer Zone

- 1. A buffer zone of not less than seventy-five (75) feet in width shall be required wherever a residential district abuts an industrial district. No structure, building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the industrial district and on the same lot with the principal building, structure, or use.
- 2. All buffer zones abutting a residential district along the side or rear lot lines shall be appropriately screened by densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Evergreens shall be a minimum height of four (4) feet when planted and spaced a minimum of ten (10) feet on center.

404.7 Maximum Height

The maximum height requirement shall be as set forth in section 402.8 and Article VII.

- 404.8 Maximum Lot Coverage
- The maximum lot coverage shall be sixty percent (60%).
- 404.9 Permitted Buildings, Structures, and Uses in Required Yards
- Permitted buildings, structures, and uses in required yard areas shall be as set forth in sections 402.2, 404.13, and 404.14.
- 404.10 Minimum Distance Between Buildings
- The minimum distance between buildings on the same lot shall be fifty (50) feet.
- 404.11 Fire Protection Ponds
- Fire protection ponds and dry hydrants shall be designed and installed in accordance with Section 403.11.
- 404.12 Exterior Lighting
- Exterior lighting fixtures shall be in accordance with Section 403.12.
- 404.13 Exterior Display or Sales Areas
- Exterior display or sales areas for goods and merchandise shall be a minimum of twenty (20) feet from any front lot line or fifty (5) feet from the centerline of the road right-of-way, whichever is greater, and a minimum of twenty (20) feet from any side or rear lot lines. Exterior sales or display areas for goods and merchandise shall not be located within any off-street parking spaces, loading/unloading spaces or driveways on a lot.
- 404.14 Exterior Storage Areas and Trash Receptacles
- Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, structure or use of the lot shall be a minimum of seventy-five (75) feet from any front lot line and a minimum of seventy-five (75) feet from any side or rear lot lines, unless otherwise specified in this resolution. Exterior trash receptacles or dumpsters shall be fully screened and shall not be located in the front of any principal building on a lot or in any front yard. Exterior trash receptacles or dumpsters shall be a minimum of seventy-five (75) feet from any side or rear lot lines.
- 404.15 Sewage Treatment Facilities
- The applicant shall demonstrate that the appropriate governmental authority has approved the sewage treatment disposal facility to serve the proposed use on a lot prior to the approval of an application for, and the issuance of, a zoning certificate.
- 404.16 Ingress and Egress to Commercial or Industrial Uses
- Ingress to and egress from a lot for a commercial or industrial use located in the industrial zoning district shall be through a public or private road that directly intersects a state highway.
- There shall be no ingress to and egress from a lot for a commercial or industrial use located in the industrial zoning district directly from Pioneer Road or Burton-Windsor Road, through a public or private road that intersects said roads.

ARTICLE V

CONDITIONAL USES

Section

500.0 Conditional Zoning Certificate Required

- A. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure nor shall any building, structure or real property be changed in use that is classified as a conditional use within the territory included in this zoning resolution without obtaining a conditional zoning certificate and no such zoning certificate shall be issued unless the plans for the proposed building, structure, or use fully comply with this zoning resolution.
- B. Pursuant to O.R.C. Section 519.14(C), the board of zoning appeals shall only consider applications for conditional uses that are specifically set forth in this resolution.

500.1 Contents of Application for a Conditional Zoning Certificate

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

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

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

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

500.2 Transmittal of Application to Board of Zoning Appeals

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

501.0 Meeting of Board of Zoning Appeals

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

The board of zoning appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or

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

501.1 Action by Board of Zoning Appeals

- A. Hearings and decisions before the board of zoning appeals shall be conducted in accordance with Section 400.1 of this resolution.
- B. One (1) copy of the plans submitted with the application shall be returned to the applicant by the board of zoning appeals after said copy has been marked either approved or disapproved, dated, and attested to by the signature of the chairman or the secretary of the board of zoning appeals. One (1) copy of the plans so marked shall be retained by the board of zoning appeals for its permanent records.
- C. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R.C. Chapter 2506.

502.0 Issuance of Conditional Zoning Certificate

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

503.0 General Conditions for Conditional Zoning Certificates

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

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

504.0 Revocation of Conditional Zoning Certificate

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

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

- E. Any of the conditions set forth in the conditional zoning certificate are violated.

504.1

Procedure for Revocation of Conditional Zoning Certificate

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

505.0

General Standards for Conditional Uses

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

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

ARTICLE VI

PARKING AND LOADING/UNLOADING SPACES

Section

600.0

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

- A. Adequate parking and loading/unloading spaces in accordance with this resolution shall be provided at the time any building, structure, or use is located, erected, constructed, reconstructed, enlarged, structurally altered, or any use is changed. Such spaces are to be used only for the parking or loading/unloading of vehicles.
- B. All parking and loading/unloading spaces shall be located totally outside of the right-of-way of any public or private road.
- C. All parking and loading/unloading spaces shall be located on the same lot as the use to be served.
- D. All parking and loading/unloading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, and roads.
- E. All parking and loading/unloading spaces together with driveways, aisles, and other circulation areas shall be improved with such material to provide a durable all-weather surface, including aggregate, concrete or asphalt.
- F. The owner of the property used for parking and loading/unloading spaces shall maintain such areas in good condition without holes and free of all dust, trash, and other debris. Maintenance shall include resurfacing of areas with potholes or cracks, restriping, trimming and replanting of landscaping islands and perimeter yards or screening, servicing of drainage inlets and stormwater facilities, replacement of faded or missing signage, and repair of malfunctioning lighting as required by the zoning inspector.
- G. All parking and loading/unloading spaces intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot or loading/unloading area shall be so arranged as to reflect the light away from the adjoining property or roads and shall be in accordance with the lighting regulations for the zoning district in which located.
- H. All parking lots and loading/unloading spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and loading/unloading spaces from or into a public or private road shall be traveling in a forward motion. Access driveways for parking lots and loading/unloading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private road.
- I. All entrances and exits to a parking lot shall be clearly delineated by appropriate directional signage and/or pavement markings. Interior vehicular circulation patterns shall be delineated by appropriate directional signage and/or pavement markings and driveways and aisles for ingress and egress shall maintain the following minimum standards:

1. For one-way traffic, the minimum width of driveways and aisles shall be fourteen (14) feet.
 2. Driveways and aisles for two-way traffic shall have a minimum width of twenty-four (24) feet.
 3. There shall be no more than two (2) points of ingress/egress per lot from a road to a parking lot.
- J. Parking and loading/unloading spaces shall not be located in the minimum front, side, or rear yard of any lot except as provided herein. Off-street parking spaces shall be setback in accordance with the minimum front, side, and rear yards specified for the zoning district in which they are located. A fully landscaped strip, not less than ten (10) feet in width, shall be located between the road right-of-way and any off-street parking spaces. Internal landscaped islands within off-street parking areas to delineate the end of aisles and to act as storm water detention devices shall be required. Loading/unloading spaces shall be located to the side or rear of the building or structure they serve, shall not be in any front yard, and shall be setback in accordance with the minimum side and rear yards for the zoning district in which located.
- K. Whenever a parking lot and/or loading/unloading area is located in or adjacent to a residential district, it shall be effectively screened on all sides that adjoin or face any property used for residential purposes, by a wall, fence, or planting screen. Such wall, fence, or planting screen shall be not less than four (4) feet or more than six (6) feet in height upon installation and shall be maintained in good condition. The space between such wall, fence, or planting screen, and the lot line of the adjoining property in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition in accordance with the buffer zone regulations contained in this resolution.

601.0 Number of Parking Spaces Required

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

Residential Districts

<u>Use</u>	<u>Parking Spaces Required</u>
Residential Dwellings	Two (2) for each dwelling
Churches	One (1) for every five (5) seats in main sanctuary
Governmental Offices	One (1) for each 200 square feet of floor area plus one (1) for each employee
Libraries	One (1) for each 200 square feet of floor area plus one (1) for each employee
Police and Fire Stations	One (1) for each 200 square feet of floor area plus one (1) for each employee

Golf Clubs	One (1) for each 250 square feet of floor area plus one (1) for each employee or one (1) for every four (4) members plus one (1) for each employee, whichever is greater
Licensed Residential Facilities	One (1) for each resident plus one (1) for each employee
Schools (Public or Private) High School	Ten (10) per classroom plus one (1) for each employee
Elementary or Middle School	Two (2) per classroom plus one (1) for each employee
Farm Market	One (1) for each 100 square feet of floor area

Commercial District

<u>Use</u>	<u>Parking Spaces Required</u>
Retail Business and Service Establishments	One (1) for each 200 square feet of floor area plus one (1) for each employee
Hotels and Motels	One (1) for each unit plus one (1) for each employee
Nursing Homes and Residential Care Facilities	One (1) for each bed plus one (1) for each employee
Service Stations	Two (2) for each bay, one (1) for every two (2) gasoline dispensing units, and one (1) for each employee
Vehicle Repair Garage	One (1) for each 250 square feet of floor area plus one (1) for each employee
Vehicle Sales Lots	One (1) for each 250 square feet of floor area plus one (1) for each employee
Farm Market	One (1) for each 100 square feet of floor area

Industrial District

	<u>Use</u>	<u>Parking Spaces Required</u>
	Light Manufacturing and Assembling Establishments	One (1) for each employee on the maximum working shift
	Service Establishments	One (1) for each 200 square feet of floor area plus one (1) for each employee
	Warehouses	One (1) for each employee on the maximum working shift
	Farm Market	One (1) for each 100 square feet of floor area
602.0	Size of Parking Spaces	
	The width of a parking space shall be a minimum of ten (10) feet and the length shall be a minimum of twenty (20) feet for a total area of two hundred (200) square feet.	
603.0	Number of Loading/Unloading Spaces Required.	
	For commercial and industrial uses permitted by this resolution, one (1) loading/unloading space shall be provided for each use with a minimum floor area of twenty thousand (20,000) square feet.	
	One (1) additional loading/unloading space shall be provided for each twenty thousand (20,000) square feet of floor area above the minimum of twenty thousand (20,000) square feet.	
604.0	Size of Loading/Unloading Spaces	
	The width of a loading/unloading space shall be a minimum of twelve (12) feet and the length shall be a minimum of fifty (50) feet. The total area of a loading/unloading space shall be a minimum of 600 square feet with a minimum height clearance of fifteen (15) feet.	
605.0	Determination of the Number of Parking and Loading/Unloading Spaces Required	
	A. The collective provision of parking and loading/unloading spaces for two (2) or more uses may be permitted, provided that the total number of such spaces shall not be less than the sum of the spaces required for such uses computed separately, in accordance with this resolution.	
	B. Whenever a lawfully existing building, structure, or use is enlarged, reconstructed, or structurally altered so as to increase its floor area, additional parking and loading/unloading spaces shall be provided on the basis of the floor area of such enlargement, reconstruction, or structural alteration.	
	C. If fractional spaces result, the number of spaces required shall be determined to be the next highest whole number, if the fraction is one-half or more.	
606.0	Driveways	
	A. A driveway in any residential zoning district shall be setback a minimum of ten (10)	

feet from the nearest side and rear lot lines, measured in a perpendicular fashion from the lot line to the edge of the driveway and shall be constructed of a durable all-weather surface such as aggregate, concrete or asphalt. A driveway shall be a minimum of ten (10) feet in width.

- B. A driveway in the commercial and industrial zoning districts shall be setback a minimum of twenty (20) feet from the nearest side and rear lot lines, measured in a perpendicular fashion from the lot line to the edge of the driveway and shall be in accordance with section 600.0 (I) of this resolution.
- C. If a driveway intersects a state, county, or township road, a permit shall be secured from the appropriate governmental authority and a copy thereof provided to the zoning inspector as a part of an application for a zoning certificate.
- D. A driveway permit from the appropriate governmental authority shall be required for a proposed driveway on a lot prior to its installation.
- E. In any zoning district, a driveway shall be set back a minimum of twenty-five (25) feet from any county, township or private road intersection measured in a perpendicular fashion from the edge of the road right-of-way to the edge of the driveway. The minimum driveway setback in any zoning district from a state highway intersection shall be in accordance with the applicable regulations of the Ohio Department of Transportation.

607.0 Handicapped Parking

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

608.0 Parking or Storage of Vehicles and Equipment

- A. The parking or storage of backhoes, bulldozers, and similar construction related equipment, unless such equipment is temporarily being used for construction upon the affected lot, shall be prohibited outside of a fully enclosed building in a residential zoning district. In all other nonresidential zoning districts, such equipment shall not be parked or stored in front of the principal building on a lot and shall be set back from all lot lines in accordance with the regulations for the zoning district in which it is located.
- B. The parking or storage of commercial tractors as defined in O.R.C. Section 4501.01(D) or semi-trailers as defined in O.R.C. Section 4501.01(P), except for temporary delivery or pick-up of goods or materials, shall be in accordance with section 402.2(H) in a residential zoning district. In all other nonresidential zoning districts, such commercial tractors or semi-trailers shall not be parked or stored in front of the principal building on a lot unless they are within a driveway, parking, or loading/unloading area and shall be set back from all lot lines in accordance with the regulations for the zoning district in which they are located.
- C. As defined in O.R.C. Section 4501.01, a recreational vehicle, travel trailer, motor home, truck camper, trailer or boat shall be parked or stored within a fully enclosed building on a lot in a residential zoning district or if parked or stored outside of a fully enclosed building shall not be parked or stored in front of a principal building and shall be set back from all lot lines in accordance with the regulations for the zoning district in which located.

ARTICLE VII

SIGNS

Section

700.0

Sign Definitions

A. Types of Signs

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

B. Designs of Signs

1. "Flat or wall" means a sign painted on or attached to and erected parallel to the face of, and erected and confined within the limits of, the outside wall of a building and supported by such wall and which displays only one (1) advertising surface or face.
2. "Ground or pylon" means a freestanding sign supported by one (1) or more uprights, poles, braces, or a permanent foundation and which is entirely independent of any building for support.

3. "Marquee" means a sign consisting of a permanent roof-like structure projecting beyond the wall of the building to which it is attached, generally at an entrance to a building, and designed and constructed to provide protection against the weather.
4. "Mobile" means any portable sign or sign structure not securely or permanently attached to the ground or to a building.
5. "Projecting" means a sign extending beyond the vertical surface or plane of the exterior wall of a building to which such a sign is attached.
6. "Roof" means a sign erected upon the roof of a building, all surfaces of which are located above the roof surface and do not project beyond any exterior wall of the building on which located.
7. "Window" means a sign painted on, attached or affixed to the interior surface of a window or door of a building intended to be seen from the exterior.

701.0

General Requirements for all Signs

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

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

702.0

Prohibited Signs in all Districts

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

1. Signs that prevent the driver of a vehicle from having a clear and unobstructed

view of official governmental signs and/or approaching or merging traffic.

2. Signs that interfere with imitate or resemble an official governmental sign, signal, or device.
3. Signs illuminated so as to interfere with the effectiveness of or which obscure an official governmental sign, signal, or device.
4. Roof signs
5. Mobile signs
6. Any sign not otherwise permitted in this resolution.

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.

704.0 Signs Permitted in all Districts NOT requiring a Zoning Certificate

- A. The following types and designs of signs may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in all zoning districts without a zoning certificate or fee but subject to the following limitations:
 1. One (1) real estate sign per lot, dwelling unit, or use which advertises the sale, lease, or rental of the premises upon which such sign is located.
 2. One (1) real estate development sign per subdivision, which advertises the sale of lots in the subdivision upon which such sign is located.
 3. One (1)-nameplate sign per lot, dwelling unit, or use with a maximum area of five (5) square feet per sign face indicating the name and addresses of the owners or occupants of the premises.
 4. Directional (entrance and exit) signs on private property with a maximum area of three (3) square feet per sign face and containing only directional information.
 5. Temporary signs may be erected only with the permission of the owner of the premises and shall be erected for no more than thirty (30) consecutive days without replacement or removal; and replaced no more than four (4) times in any calendar year. No temporary sign shall be posted in or erected in any place or in any manner, which is destructive to property upon erection or removal. No temporary sign shall be erected within a public right-of-way nor shall any such sign be posted on a utility pole. Temporary signs shall have maximum area of thirty-two (32) square feet per sign face and the maximum height shall be six (6) feet. Temporary signs shall not be illuminated by any means, including reflecting light. There shall be no more than one (1) temporary sign erected on a lot.
 6. One (1)-development sign per subdivision or premises with a maximum area of fifteen (15) square feet per sign face. Such sign shall be maintained by the owner of the real property upon which the sign is located.
 7. Window Signs
- B. No zoning certificate or fee shall be required for the change of content or subject matter of a sign provided that there is no structural or design alteration of said sign.

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

- A. Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in a residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:
 - 1. Each residential dwelling may be permitted only one (1) of the following signs on the premises: wall, ground, or pylon.
 - a. Wall signs shall have a maximum area of five (5) square feet.
 - b. Ground or pylon signs shall have a maximum area of five (5) 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 residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:
 - 1. Professional or home occupation signs shall have a maximum area of sixteen (16) square feet per sign face.
- C. No sign shall be illuminated by electricity, gas, or other artificial light, including reflecting light, in any residential zoning district.

706.0

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

- A. Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial and industrial zoning districts upon the issuance of a zoning certificate and subject to the following limitations:
 - 1. Each commercial or industrial use may be permitted one (1) of the following signs on the premises: wall or projecting.
 - a. Wall signs shall have a maximum area of fifty (50) square feet.
 - b. Projecting signs shall have a maximum of thirty-two (32) square feet per sign face and shall not extend more than five (5) feet measured from the face of the building to which such sign is attached.
 - 2. In addition to a wall or projecting sign each commercial or industrial use may be permitted one (1) ground or pylon sign on the premises. Such sign shall not exceed twenty-five (25) square feet per sign face in area.
 - 3. In lieu of the permitted ground or pylon sign in paragraph 2 above, one (1) or more groups of commercial or industrial uses within the same building or structure, or located on the same lot, may be permitted one (1) directory sign for all uses. Such signs shall have a maximum area of forty (40) square feet per sign face.
- B. Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial and industrial zoning districts upon the issuance of a zoning certificate and subject to the following limitations:
 - 1. Bulletin board signs shall have a maximum area of thirty-two (32) square feet per sign face.

2. Business or professional signs shall have a maximum area of thirty-two (32) square feet per sign face.
3. Directory signs shall have a maximum area of forty (40) square feet per sign face.

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.

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.

709.0 Maximum Height Requirements

- A. Projecting and wall signs shall not exceed the height of the wall face to which such signs are attached.
- B. Ground or pylon signs shall have a maximum height of ten (10) feet.

710.0 Minimum Yard Requirements

- A. Ground or pylon signs shall have a minimum setback of five (5) feet from the front lot line.
- B. Ground or pylon signs shall have a minimum setback of ten (10) feet from the side lot lines.

711.0 Removal of Damaged Nonconforming Signs

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

712.0 Removal of Signs

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

713.0 Billboards

A. Conditional Zoning Certificate Required

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

A billboard shall be classified as a business use and may be allowed in any commercial (C) and industrial (I) zone 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 therefore unless it complies with all of the following conditions. Each billboard shall be subject to the issuance of a separate conditional zoning certificate.

1. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in one direction. There shall not be more than one (1) billboard structure with a maximum of two (2) sign faces on a lot.
2. A billboard shall be the principal use of the lot on which it is located.
3. The sign face area of a billboard shall be included in determining the maximum allowable signage on a lot for the zoning district in which it is located.
4. Billboards shall be spaced a minimum of one (1) mile 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 one thousand (1,000) 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 two hundred (200) 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 two hundred seventy-five (275) 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 one hundred (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.
9. A billboard shall be setback a minimum of two hundred seventy-five (275) 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 two hundred seventy-five (275) 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 two hundred (200) 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 twenty (20) feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.
13. The maximum sign face of a billboard shall be thirty-two (32) 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 fourteen (14) 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.

ARTICLE VIII

This article to be reserved for future use

ARTICLE IX

NONCONFORMING BUILDINGS, STRUCTURES, AND USES

Section

900.0 Nonconforming Use of Buildings and Land Not Affected by Zoning

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

901.0 Reasonable Terms

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

902.0 Completion

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

903.0 Restoration

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

904.0 Repair and Replacement

- A. If fifty percent (50%) or more of a building or structure occupied by a nonconforming use is damaged or partially destroyed by any cause as determined by the zoning inspector, the right to maintain and continue to operate such nonconforming use shall terminate immediately.
- B. If fifty percent (50%) or more of a nonconforming building or structure is damaged, partially destroyed or otherwise becomes substandard pursuant to the applicable provisions of the county or state building code as determined by the zoning inspector, the right to repair or replace such nonconforming building or structure shall terminate immediately. The zoning inspector shall seek input on the applicable provisions of the county or state building code from the appropriate entity or entities.

- C. If any substandard structure becomes damaged or partially destroyed, construction shall be completed within two (2) years of the date of determination by the zoning inspector; and shall be considered complete only upon issuance of an occupancy permit by the county building department.
- D. The repair or replacement of a substandard damaged or partially destroyed building or structure shall be completed within two (2) years of the date of such determination by the zoning inspector.

905.0

Reconstruction

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

906.0

Extension

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

907.0

Substitution

- A nonconforming use may be substituted for a lawful nonconforming use, with prior

approval of the Huntsburg Township Board of Zoning Appeals, provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, dwelling units or in the number of persons using the property.

908.0

Nonconforming Lot of Record

- A. In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area, frontage, or width less than the minimum prescribed herein, which meets all of the following:
 - 1. It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.
 - 2. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.
 - 3. The amount of nonconformity has not been increased since it became nonconforming.
 - 4. It complies with all other regulations set forth herein, except minimum lot area, frontage, and width.

ARTICLE X
ADMINISTRATION

Section

1000.0 Position of Township Zoning Inspector Established

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

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

1000.1 Zoning Inspector's Bond

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

1000.2 Duties of Township Zoning Inspector

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

- A. Provide applications for zoning certificates to those persons who wish to apply for a zoning certificate.
- B. Receive and act upon applications for zoning certificates in accordance with sections 1100.2 and 1100.3.
- C. Issue zoning certificates as permitted by the terms of this resolution.
- D. Revoke zoning certificates as permitted by the terms of this resolution.
- E. Receive and act upon complaints regarding violations of this resolution in accordance with section 1101.0.
- F. Make inspections as required to fulfill his duties.
- G. Upon finding that any provision of this resolution is being violated, he shall notify, in writing, the person responsible for such violation, ordering the action to correct such violation.
- H. Take any other action authorized by this resolution or by law to ensure compliance with or to prevent violations of this resolution.
- I. Safely keep an official record of all actions taken in fulfillment of the duties imposed on him by this zoning resolution; and, safely keep all documents, including applications, complaints, zoning certificates, reports and inspections which are received, issued or made in connection with his duties as zoning inspector. All such records and documents shall be indexed by name, address and date and kept in an orderly fashion and shall be open to public inspection. Copies of any of these records

and documents shall be provided to any member of the public upon payment of a copying fee as established by the board of township trustees. None of the records or documents so kept shall be destroyed except upon compliance with R. C. 149.42.

- J. Receive for filing and note the date of filing of notices of appeal to the board of zoning appeals as provided in R. C. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the township-zoning inspector.
- K. Upon receipt of a notice of appeal to the board of zoning appeals, the zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- L. Safely keep and deposit all fees and monies received by him with the Fiscal Officer within twenty-four (24) consecutive hours of receipt pursuant to R. C. 117.17.
- M. Review proposed preliminary major subdivision plats and final major subdivision plats pursuant to R.C. Section 711.10 and the "Subdivision Regulations of Geauga County, Ohio" and sign and date the original Mylar of such plats to ensure proof of compliance with the applicable provisions of this resolution.
- N. Review proposed divisions of land that are not subject to platting and consolidations of lots pursuant to the "Subdivision Regulations of Geauga County, Ohio" and sign and date the survey plat with the appropriate language thereon to ensure proof of compliance with the applicable provisions of this resolution.

1001.0

Township Zoning Commission Created

The board of township trustees has created and established a township zoning commission composed of five (5) members who reside in the unincorporated area of the township and the board may appoint two (2) alternate members in accordance with Ohio Revised Code Section 519.04. The two (2) alternates shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the zoning commission. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission. Alternate members of the zoning commission are expected to attend all meetings of the commission even when they are not filling a vacancy. At such times, their status as an active or inactive alternate member shall be made clear to all attending a meeting. If a regular member fails to appear, or appears following the start of a meeting, then the alternate member shall fill the vacancy of the regular member immediately, but not before, the start of the meeting, and all related continuance meetings. The start of the meeting begins at the call to order by the chairman of the zoning commission. The chairman shall preside over all meetings. In the absence of the chairman, the vice chairman shall preside. An alternate shall not preside over a meeting of the zoning commission. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the regular members shall be of such length and so arranged that the term of one (1) member will expire each year. Where there is a county planning commission the board may appoint qualified members of such commission to serve on the township zoning commission. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members of the zoning commission including alternate members, shall be removable for nonconformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The hearing shall occur

within sixty (60) days after the charges are filed. The member shall be given an opportunity to be heard and answer such charges. Upon the approval of a majority of the board of township trustees, the member may be suspended from participating as a member of the zoning commission during the period of up to sixty (60) days before the pending hearing on the removal. Vacancies shall be filled by the board and shall be for the unexpired term. A suspension authorized by this section is not a vacancy for purposes of this section. The decision of the board of township trustees regarding a suspension or removal may be appealed under O.R.C. Chapter 2506.

1001.1 Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission

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

1002.0 Township Board of Zoning Appeals Created

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

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 will expire each year.

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

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

1002.1 Powers of Township Board of Zoning Appeals

The township board of zoning appeals may:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of sections 519.02 to 519.25 of the Ohio Revised Code or of this resolution.
- B. Authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done.
- C. Grant conditional zoning certificates for the use of land, buildings, or other structures in accordance with this resolution.

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 appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all the powers of the township zoning inspector from whom the appeal is taken.

ARTICLE XI
ENFORCEMENT

Section

1100.0 Zoning Certificate Required

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

1100.1 Contents of Application for a Zoning Certificate

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

All applications for zoning certificates shall contain the following language:

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

All completed applications for a zoning certificate shall be submitted to the township zoning inspector and shall include, at a minimum, the information-in the application.

1100.2 Action by Township Zoning Inspector on Application for Zoning Certificate

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

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

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

1100.3 Submission to Director of Ohio Department of Transportation

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

The zoning inspector shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the director. If the director of transportation notifies the zoning inspector that he has purchased or has initiated proceeding to appropriate the land, which is the subject of the application, then the zoning inspector shall refuse to issue the zoning certificate.

If the director notifies the zoning inspector that he has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the director and the property owner, the zoning inspector shall act upon the application in accordance with the provisions of this resolution.

1100.4 Revocation or Reissuance of Zoning Certificate

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

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

When a zoning certificate has been declared revoked by the zoning inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the zoning certificate. Such notice shall set forth the reason(s) for the revocation of the zoning certificate as well as the applicant's right to appeal to the township board of zoning appeals in accordance with article XIV 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.

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

1101.0 Complaints Regarding Violations

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

1102.0 Prohibition Against Violating Zoning Resolution

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

1103.0 Action to Prevent Violations of Zoning Regulations

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

ARTICLE XII
AMENDMENTS

Section

1200.0 Procedure for Amendments to Zoning Resolution

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

1201.0 Contents of Application for a Zoning Amendment

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

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

1202.0 Submission to Director of Ohio Department of Transportation

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

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

ARTICLE XIII

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

Section

1300.0

Purpose

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

1301.0

Permitted Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed, or enlarged in the following areas as a permitted use subject to the requirements of this article and upon application for a zoning certificate and issuance of said certificate by the zoning inspector, unless it has been demonstrated to the satisfaction of the zoning inspector that the applicant is a public utility as defined in this resolution.

- A. A wireless telecommunication antenna may be permitted on a lawfully existing telecommunications tower, with the necessary equipment shelter, as a collocation on said existing tower.
- B. A wireless telecommunications tower and appurtenant facilities may be permitted within a recorded electric high-tension power line easement. A tower located within said easement shall not be subject to the regulations set forth in Section 1302.0(M), (T), and (V)(5).
- C. A wireless telecommunications tower and appurtenant facilities may be permitted in the commercial and industrial zoning districts.

1302.0

Conditional Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged in the residential zoning districts as a conditional use subject to the approval of the board of zoning appeals pursuant to the procedure set forth in Article V of this resolution and the following conditions as well as the regulations specified in this article.

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

(FCC) or the Federal Aviation Administration (FAA).

- H. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment shelter, and appurtenances or on the site.
- I. No more than one (1) warning sign, the maximum size of which shall be five (5) square feet, shall be posted on the site as well as an emergency telephone number. The applicant shall also provide the fire department, the county sheriff's department, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency. No other signs shall be posted on the site.
- J. A wireless telecommunications tower, equipment shelter, and appurtenances shall not be artificially lighted except to assure safety as may be required by the Federal Aviation Administration (FAA). If lighting is required, white strobe lights shall not be permitted unless no other alternative is allowed by the FAA. Proof of compliance with all FAA criteria shall be required and a copy of the review by the FAA shall be submitted.
- K. The applicant shall submit a plan documenting how the wireless telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.
- L. The driveway to the site shall be a minimum of ten (10) feet in width and shall be setback a minimum of ten (10) feet from the nearest side or rear lot line. There shall be a minimum of one (1) off-street parking space on the site.
- M. The collocation of antennas on lawfully existing towers or structures shall be preferred over the construction of new wireless telecommunications tower sites. If there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on a lawfully existing tower or structure within the geographic area to be served, including the areas set forth in Section 1301.0, then with the zoning certificate application, the applicant shall list the location of every tower or structure and all the areas set forth in Section 1301.0 that could support the proposed antenna(s) so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on a lawfully existing tower or structure, or a technically suitable location is not available in any area set forth in Section 1301.0. If another tower or structure or area set forth in Section 1301.0 is technically suitable, the applicant must show that it has requested to collocate on the existing tower and the collocation was rejected by the owner of the tower or structure or that it has requested all property owners with technically suitable locations within a two (2)-mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 1301.0 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to request for collocation within thirty (30) days from the receipt of a written request sent by certified mail (return receipt requested) for collocation. If another telecommunications tower is technically suitable the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the township, if such a tower exists and space is available on the tower for collocation, which is owned or controlled by the applicant on reasonable reciprocal terms and the offer was not accepted.

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

- 1. The planned equipment would exceed the structural capacity of existing or approved towers or structures as documented by a licensed professional engineer; and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a

reasonable cost.

2. The proposed equipment would cause radio frequency interference with other existing or planned equipment, which cannot be prevented at a reasonable cost as documented by a licensed professional engineer.
 3. The existing or approved towers or structures do not have space on them to accommodate the proposed equipment so it can function effectively and reasonably as documented by a licensed professional engineer.
 4. Collocation would violate federal, state, or county regulations.
 5. The location of existing towers or buildings is not technically suitable due to topography or other impediments to transmission as documented by a licensed professional engineer.
 6. Existing or approved towers or structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
- N. The owner/operator of a free-standing monopole wireless telecommunications tower shall be required to allow collocation for a minimum of two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. The owner/operator of a free-standing lattice wireless telecommunications tower shall be required to allow collocation for a minimum of five (5) additional antenna platforms of equal loading capacity for five (5) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the zoning inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this regulation as well as all other applicable requirements, regulations and standards set forth herein.
- O. The owner of any wireless telecommunications tower erected under this section shall be required to accept collocation of any other antenna(s) except upon a showing of technological nonfeasibility as set forth herein.
- P. A wireless telecommunications tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for additional users as set forth herein. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- Q. There shall be no storage outside of the security fence of equipment or other items on the site except during the construction period, for ordinary maintenance, or in times of a power outage.
- R. The minimum distance between wireless telecommunications towers and facilities shall be one thousand two hundred fifty (1,250) feet.
- S. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances are discontinued for, two (2) years or more, said facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within thirty (30) days, or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the 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 one hundred dollars (\$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.

- T. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.
- U. Wireless telecommunications towers, antennas, and appurtenances mounted to a building or structure
 - 1. A wireless telecommunications tower, antenna, and appurtenances may be mounted to a lawfully existing building or structure (other than a dwelling) or to a proposed building or structure (other than a dwelling) provided the maximum height of the tower, antenna, or appurtenances shall not exceed fifteen (15) feet above the highest point of the roof line.
 - 2. There shall be no more than one (1) wireless telecommunications tower(s) or antenna(s) mounted on a legally existing building or structure.
 - 3. A wireless telecommunications tower, antenna, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, including minimum yards (setbacks), except as may otherwise be specified in this section of the zoning resolution.
 - 4. A written report prepared by a licensed structural engineer shall be submitted indicating that the building or structure upon which a wireless telecommunications tower, antenna, and appurtenances may be mounted will support the same.
- V. Free-standing wireless telecommunications towers, antennas, and appurtenances
 - 1. The maximum height of a freestanding monopole or a freestanding lattice wireless telecommunications tower, including antenna(s), and appurtenances shall not exceed two hundred (200) feet.
 - 2. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances shall be 50% of the height of the tower within any zoning district.
 - 3. The maximum size of an equipment shelter accessory to a freestanding monopole wireless telecommunications tower shall be four hundred (400) square feet and for a freestanding lattice wireless telecommunications tower the maximum size of the equipment shelter shall be nine hundred ninety (990) square feet. The maximum height of an equipment shelter shall be twelve (12) feet. There shall be no more than one (1) equipment shelter(s) located on a lot in conjunction with wireless telecommunications tower or antenna(s). An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.
 - 4. A freestanding monopole wireless telecommunications tower shall be designed to support the collocation of at least three (3) antenna platforms of equal loading capacity. A freestanding lattice wireless telecommunications tower shall be designed to support the collocation of at least six (6) antenna platforms of equal loading capacity.

5. A wireless telecommunications tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in this section of the zoning resolution.

1303.0 Allowable Areas

As noted in Sections 1301.0 and 1302.0, wireless telecommunications towers and facilities are a permitted use in commercial and industrial districts and are a conditional use in any residential zoning district.

1304.0 Fees

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

1305.0 Public Utility Exemption

- A. Subject to R.C. 519.21(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- B. In the event a wireless telecommunications tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations set forth herein do not apply when the proposed location of the tower facility is in a nonresidential zoned area of the township. The proponent of such a tower facility must file a written application with the zoning inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for the purpose of this exemption:
 1. Whether the applicant devotes an essential good or service to the general public, which has a legal right to demand or receive this good or service;
 2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
 3. Whether the applicant has an obligation to provide the good or service, which cannot be arbitrarily or unreasonably withdrawn;
 4. Whether the applicant conducts its operation in such a manner as to be a matter of public concern;
 5. Whether the good or service is vital;
 6. Whether there is a lack of competition in the local marketplace for the good or service;
 7. Whether there is regulation by a government authority and the extent of that regulation;

8. Whether the applicant possesses the power of eminent domain.

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

- C. If the zoning inspector determines to deny the applicant such “public utility” status, the inspector shall do so in writing and state the reasons, therefore. Such decision of denial by the zoning inspector may not be a final decision by the township on the issue. Any determination by the zoning inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the board of zoning appeals pursuant to the procedures set forth in this zoning resolution. The decision of the board of zoning appeals shall be the final decision of the township on this issue.
- D. In the event a wireless telecommunications tower and appurtenant facility is proposed to be located in an unincorporated area of the township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this zoning resolution if it meets all of the criteria in 1, 2, and 3 below as follows:
1. All requirements of Section 1305.0 (A) through (C) are met;
 2. The public utility provides both of the following by certified mail:
 - a. Written notice to each owner of property, as shown on the county auditor’s current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
 - (1) The public utility’s intent to construct the tower; and
 - (2) A description of the property sufficient to identify the proposed location; and
 - (3) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that the provisions of this zoning resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and
 - b. Written notice to the board of township trustees of the information specified in subsection D.2.a of this section; and
 3. If the board of township trustees receives notice from a property owner under subsection D.2.a. (3) of this section within the time specified in that subsection, or if a trustee makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under subsection D.2.b. of this section, the board shall request that the fiscal officer of the township 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. Any person who plans to construct a telecommunications tower within one hundred (100) feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice. As used in this section, "residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence.

1306.0

Site Plan

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

- A. The site plan shall be prepared by, signed, dated, and bear the stamp and registration number of a licensed professional engineer.
- B. The site plan shall be based upon a survey, drawn to scale, have a north arrow, and show the location and dimensions of the wireless telecommunications tower and appurtenant facilities from all lot lines, buildings, structures, and public road rights-of-way. A copy of the structural design prints from the manufacturer shall be provided for a wireless telecommunications tower, antenna(s), and equipment shelter.
- C. The height of the telecommunications tower and all appurtenant facilities above grade shall be provided and all potential mounting positions and locations of antennas shall be shown in order to evaluate collocation opportunities.
- D. The dimensions of all buildings, structures, driveways, parking area, and all appurtenant facilities shall be provided.
- E. Existing easements of record and proposed easements with dimensions shall be shown.
- F. A copy of a title examination for the subject premises shall be submitted.
- G. The shipping weight of the wireless telecommunications tower, antenna(s), equipment shelter(s), and all appurtenances shall be provided. The delivery route shall be given and subject to review as to road weight limits.
- H. Proof of compliance with the regulations of the Geauga Soil and Water Conservation District with respect to soil erosion and storm water runoff shall be submitted.

ARTICLE XIV

VARIANCES

Section

1400.0

Rules, Organization, and Meetings of Board of Zoning Appeals

- A. The township board of zoning appeals shall organize and adopt rules in accordance with this zoning resolution. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board of zoning appeals determines. The chairman, or in his absence the acting chairman, may administer oaths, and the board of zoning appeals may compel the attendance of witnesses. All meetings of the board of zoning appeals shall be open to the public.

The board of zoning appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of township trustees and be a public record.

- B. The attendance of three (3) members of the board of zoning appeals is required for a quorum.

All decisions, motions, and actions of the board of zoning appeals shall be by the affirmative vote of at least three (3) members of the board.

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

1400.1

Procedures of Board of Zoning Appeals

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

inspector and shall be signed and dated by the appellant or his authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language:

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

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

1. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his authorized representative relative to the alleged error made by the zoning inspector in his determination of the application for the zoning certificate.
2. For notices of appeal requesting a variance, the appellant or his authorized representative shall provide the following:
 - a. A statement relative to the exact nature of the variance requested.
 - b. The specific zoning regulation(s) shall be cited from which a variance is requested.
 - c. Written justification for a variance shall be made by the appellant and the board of zoning appeals shall determine if the proposed variance involves an "area" variance or a "use" variance.
 1. Standards for an "area" variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following Not all of the following factors must be met by the appellant and no single factor controls in a determination of practical difficulties.
 - a. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance.
 - b. Whether the variance is substantial.
 - c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining lots would suffer a substantial detriment as a result of the variance.
 - d. Whether the variance would adversely affect the delivery of governmental services.
 - e. Whether the property owner purchased the lot with the knowledge of the zoning restriction.
 - f. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance.

- a. To present his position, arguments, and contentions;
 - b. To offer and examine witnesses and present evidence in support thereof;
 - c. To cross-examine witnesses purporting to refute his position, arguments, and contentions;
 - d. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments, and contentions;
 - e. To proffer any such evidence into the record if the admission thereof is denied by the officer or body appealed from.
4. The board of zoning appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.
 5. An accurate record of the proceedings shall be kept and preserved by the board of zoning appeals.
- E. Decisions of the board of zoning appeals shall be in accordance with the following:
1. All decisions shall include conclusions of fact of the board in support of the decision.
 2. A decision of the board and the adoption of conclusions of fact shall be made at a public meeting of the board. The decision and the conclusions of fact of the board shall be in writing and signed at a public meeting of the board by all members voting affirmatively thereon not later than thirty (30) days from the last date of public hearing.
 3. The original written decision and conclusions of fact of the board of zoning appeals and all applications, notices of appeal, documents, exhibits, and evidence relating to the proceeding shall be filed by the board of zoning appeals with the Fiscal Officer within five (5) days of the signing of the written decision and conclusions of fact by the board of zoning appeals.
 4. Copies of the written and signed decision of the board of zoning appeals shall be sent by ordinary mail, within five (5) days of the signing of the written decision, to the township zoning inspector, and the appellant.
 5. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in R. C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R. C. Chapter 2506.

1400.2 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 deems necessary to protect the public health, safety, morals, and general welfare. Any such supplementary conditions shall be made a part of the board of zoning appeals' proceedings and shall be incorporated into the final decision by the board approving a variance. Violation of such supplementary conditions, which are made a part of the written

decision of the board, shall be deemed a violation of this resolution.



WARNING:

The following article discusses highly sensitive topics, concerning Adult Oriented Businesses

Language contained within this section may be deemed offensive to some, and not suitable for children.

ARTICLE XV

ADULT ORIENTED BUSINESSES

Section

1500.0

Definitions

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

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

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

“Adult cabaret” means a building or portion thereof including a nightclub, bar, restaurant, or similar establishment, which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on:

- Persons who appear in a state of nudity, or
- The exhibition of “specified anatomical areas” or “specified sexual activities”

for observation by patrons.

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

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

“Adult media store” means an establishment that rents and / or sells media and it advertises or markets itself in any forum as “X rated,” “adult,” “sex,” or otherwise as a sexually or adult oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.

“Adult motel or hotel” means an establishment which:

- Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;”

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

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

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

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

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

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

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

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

“Establishment” means any business regulated by this article.

“Explicit sexual material” means any hard-core material.

“Gross public floor area” means the total area of a building accessible or visible to the public including showrooms, merchandise display areas, service areas, behind-counter

areas, storage areas, stage areas, screen areas, and arcades; including the aisles, hallways, and entryways serving such areas.

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

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

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

“Nudity” means the showing of either of the following:

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

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

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

“Specified sexual activities” means any of the following:

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

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

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

- A. An adult oriented business shall be located more than one thousand five hundred (1,500) feet from a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library. For the purpose of this condition measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.
- B. An adult oriented business shall be located more than one thousand (1,000) feet from any residential zoning district boundary as established in this resolution and shown on the official township zoning map, the lot line of a lot devoted to a residential use, any boundary of a residential zoning district contiguous with the township, or any building that contains a residence. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of the lot or premises devoted to a residential use or possession of a building devoted to a residence, or to the nearest boundary of an affected residential zoning district.
- C. An adult oriented business shall be located more than one hundred (100) feet from any other lawfully existing adult-oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises devoted to a lawfully existing adult-oriented business to the nearest front lot line of the lot or premises on which an adult oriented business may be conducted.
- D. An adult oriented business shall be conducted within a fully enclosed building.
- E. Management personnel shall be present at all times when an adult oriented business is open for operation.
- F. Proof of compliance with the rules and regulations of the county building department, county water resources department, county general health district, fire prevention office or fire department, and such other state and federal codes as may be applicable shall be provided for an adult oriented business.
- G. An adult oriented business shall comply with all of the off-street parking regulations in this resolution for the zoning district in which it is located.
- H. An adult oriented business shall comply with all of the signage regulations in this resolution for the zoning district in which it is located.
- I. An adult oriented business shall comply with all of the regulations in this resolution for the zoning district in which it is located including, but not limited to, minimum lot area, minimum lot frontage and width, minimum yards (setbacks), lighting, maximum lot coverage, and maximum building and structure height.

- J. An adult oriented business shall comply with such other specific conditions related to the promotion and protection of the public health, safety, and morals as determined by the board of zoning appeals.

1502.0

Adult Oriented Businesses: Nonconforming Buildings, Structures, and Uses

Notwithstanding the provisions of this resolution regarding nonconforming buildings, structures, and uses, a lawfully existing adult oriented business in operation as a conforming use, shall not be rendered a nonconforming use by the subsequent location of a church or place of worship, public or private school, public park or playground, child day care center, governmental office, or public library within one thousand five hundred (1,500) feet, of a residential zoning district boundary or a residential use on a lot within one thousand (1000) feet, of such adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business is may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.

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APPENDIX I

FORMS

**APPLICATION FOR ZONING CERTIFICATE
HUNTSBURG TOWNSHIP**

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

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

- A. Name of Applicant: _____
Address of Applicant: _____
Telephone Number of Applicant: (440)_____
- B. Name of Owner of Record: _____
Address of Owner of Record: _____
Telephone Number of Owner of Record: _____
- C. Address of the Lot: _____
(If different from applicant's current address)
- D. Attach documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement).
- E. Attach a legal description of the lot, as recorded with the Geauga County Recorder.
- F. Provide the current zoning district in which the lot is located: _____.
- G. Provide a description of the existing use of the lot: _____

- H. Provide a description of the proposed use of the lot: _____

- I. Attach two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 2. The dimensions and elevations (in feet) of all existing buildings or structures on the lot, if any.
 3. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 6. The setback (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

7. The height (in feet) of existing buildings or structures on the lot.
 8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 9. The name and location of the existing road(s), public and private, adjacent to the lot.
 10. The number of dwelling units existing (if any) and proposed for the lot.
 11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 14. The location and description of existing and proposed landscaping and buffer areas on the lot.
 15. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
 16. The location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
 17. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
 18. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
- J. Provide the type and design of any sign(s)
1. Attach two (2) copies of a drawing, drawn to scale and dated, showing the following information:
 - a. The dimensions (in feet) of the sign.
 - b. The area of the sign (per sign face) in square feet.
 - c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front lot line(s).
 - d. The height (in feet) of the sign.
 - e. The method of illumination, if any.
 - f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo).
- K. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
- L. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
- M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the storm water management and erosion control plan.

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

I hereby acknowledge that I understand that the penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

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

I hereby acknowledge that I understand that if the construction or use described in the zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance, said zoning certificate shall be revoked by the township zoning inspector.

Applicant's Signature Print Name: _____

Date

FOR OFFICIAL USE ONLY

I hereby acknowledge the receipt of this application for a zoning certificate this _____ day of _____ 20____.

Signature of Township Zoning Inspector Print Name

Application Number: _____ Date Application Received: _____

Amount of Fee Paid: \$ _____ Date of Action on Application: _____

Date Application Approved: _____ Date Zoning Certificate Issued: _____

Zoning Certificate Number: _____

Date Application Disapproved: _____

If Application Disapproved, Reasons for Disapproval (Cite Section Number): _____

**HUNTSBURG TOWNSHIP
ZONING CERTIFICATE**

No. _____

ISSUED TO: _____

ADDRESS OF APPLICANT: _____

ADDRESS OF PROPERTY (if different from above): _____

ZONING CLASSIFICATION: _____

DESCRIPTION OF USE: _____

Signature of Township Zoning Inspector

Print Name: _____

Date

NOTE:

**THIS CERTIFICATE MUST BE
POSTED ON THE PROPERTY.**

**NOTICE OF VIOLATION
HUNTSBURG TOWNSHIP**

Date: _____

TO:

You are hereby advised that you are in violation of Article _____, Section _____, Paragraph _____ of the Huntsburg Township Zoning Resolution.

The nature of the violation is as follows:

You are further informed that unless this violation is corrected or otherwise made to comply by _____, 20 ____, the appropriate legal action will be taken and you will be subject to the penalty as provided by the Huntsburg Township Zoning Resolution and the Ohio Revised Code.

Signature of Township Zoning Inspector

Print Name: _____

Address

Telephone Number

**COMPLAINT OF ZONING VIOLATION
HUNTSBURG TOWNSHIP**

This complaint is voluntarily given to the Huntsburg Township Zoning Inspector, this _____ day of _____, 20 ____.

THIS COMPLAINT SHALL BE COMPLETED BY THE COMPLAINANT

Describe below the alleged uses being made of the property, or the scope of the alleged zoning violation, giving exact date(s) and time(s) where possible. (Use additional sheet if necessary)

Provide the address or location of the property for which the complaint is being filed:

I hereby state that all of the information provided in this complaint is true and correct to the best of my knowledge, information, and belief.

Complainant's Signature

Print Name: _____

Address

Telephone Number

Date

FOR OFFICIAL USE ONLY

I hereby acknowledge the receipt of this complaint this _____ day of _____, 20 ____.

Signature of Township Zoning Inspector

Print Name: _____

Date

REVOCATION OF ZONING CERTIFICATE

HUNTSBURG TOWNSHIP

Date: _____

TO:

You are hereby advised that zoning certificate number _____ issued on _____, 20__ is hereby revoked and declared null and void.

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

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

Signature of Township Zoning Inspector

Print Name: _____

Address

Telephone Number

STOP ZONING VIOLATION
HUNTSBURG TOWNSHIP

No. _____

NATURE OF SUCH VIOLATION BEING: _____

Signature of Township Zoning Inspector

Print Name: _____

Date

APPLICATION FOR A CONDITIONAL ZONING CERTIFICATE

HUNTSBURG TOWNSHIP

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

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT

- A. Name of Applicant: _____
Address of Applicant: _____
Telephone Number of Applicant: _____
- B. Name of Owner of Record: _____
Address of Owner of Record: _____
Telephone Number of Owner of Record: (440)_____
- C. Address of the Lot: _____
(if different from applicant's current address)
- D. Attach the names and addresses of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the street from the subject lot).
- E. Attach documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement).
- F. Attach a legal description of the lot, as recorded with the Geauga County Recorder.
- G. Provide the current zoning district in which the lot is located: _____
- H. Provide a description of the existing use of the lot: _____

- I. Provide a description of the proposed use of the lot: _____

- J. Attach two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
 - 1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 - 2. The dimensions and elevations (in feet) of all existing buildings or structures on the lot, if any.
 - 3. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 - 4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

6. The setback (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 7. The height (in feet) of existing buildings or structures on the lot.
 8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 9. The name and location of the existing road(s), public and private, adjacent to the lot.
 10. The number of dwelling units existing (if any) and proposed for the lot.
 11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 14. The location and description of existing and proposed landscaping and buffer areas on the lot.
 15. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
 16. The location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
 17. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
 18. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
- K. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority.
- L. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
- M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the storm water management and erosion control plan.
- N. The "General Standards for Conditional Uses" listed under section 505.0 may apply and may be required as a part of the application.

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

I hereby acknowledge that I understand that the penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

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

I hereby acknowledge that I understand that if the construction or use described in the conditional zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance, said conditional zoning certificate shall be revoked by the township zoning inspector.

Applicant's Signature

Print Name: _____

Date

FOR OFFICIAL USE ONLY

I hereby acknowledge the receipt of this application for a conditional zoning certificate this

_____ Day of _____ 20_____.

Signature of Township Zoning Inspector

Print Name: _____

Application Number: _____ Date Application Received: _____

Amount of Fee Paid: \$ _____ Date of Public Hearing: _____

Date of Notice to Parties in Interest: _____

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

Date of Action on Application: _____

Conditional Zoning Certificate Number: _____

Date Conditional Zoning Certificate Issued: _____

NOTICE OF PUBLIC HEARING TO NEWSPAPER
APPLICATION FOR CONDITIONAL ZONING CERTIFICATE
HUNTSBURGTOWNSHIP

Notice is hereby given that the Huntsburg Township Board of Zoning Appeals will conduct a public hearing on an application, identified as number _____, for a conditional zoning certificate on the _____ day of _____, 20__ at _____ o'clock __m. at the Huntsburg Town Hall.

This application, submitted by _____ requests that:

(Provide summary of application)

be granted for the lot located at _____.
(Address)

Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Print Name: _____

Publish:

Provide date

NOTICE OF PUBLIC HEARING TO PROPERTY OWNER
(CONDITIONAL ZONING CERTIFICATE)
HUNTSBURG TOWNSHIP

Date: _____

TO:

Dear _____:

This is to inform you that the Huntsburg Township Board of Zoning Appeals will hold a public hearing on an application, identified as number _____, for a conditional zoning certificate on the _____ day of _____, 20__ at _____ o'clock ____m. at the Huntsburg Town Hall

This application, submitted by _____ requests

that _____
(Provide summary of application)

be granted for the lot located at _____.
(Address)

Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Print Name: _____

CONDITIONAL ZONING CERTIFICATE

HUNTSBURG TOWNSHIP

No. _____

ISSUED TO: _____

ADDRESS OF APPLICANT: _____

ADDRESS OF PROPERTY (if different from above): _____

ZONING CLASSIFICATION: _____

DESCRIPTION OF USE: _____

EXPIRATION DATE OF CERTIFICATE: _____

SPECIFIC CONDTIONS:

1. COMPLY WITH ALL OF THE GENERAL CONDITIONS SET FORTH IN ARTICLE V,
SECTION 505.0.

2. _____

3. _____

FOR FURTHER CONDITIONS, USE ADDITIONAL SHEET IF NECESSARY

Signature of Township Zoning Inspector

Print Name: _____

Date

NOTE:

**THIS CERTIFICATE MUST BE POSTED ON THE
PROPERTY**

REVOCATION OF CONDITIONAL ZONING CERTIFICATE

HUNTSBURG TOWNSHIP

Date: _____

TO:

You are hereby advised that conditional zoning certificate number _____ issued on _____, 20__ is hereby revoked and declared null and void.

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

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

Signature of Township Zoning Inspector

Print Name: _____

Address

Telephone Number

NOTICE OF APPEAL
(REQUESTING A VARIANCE)
HUNTSBURG TOWNSHIP

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT

- A. Name of Appellant: _____
Address of Appellant: _____
Telephone Number of Appellant: _____
- B. Name of Owner of Record: _____
Address of Owner of Record: _____
Telephone Number of Owner of Record: _____
- C. Address of the Lot: _____
(if different from Appellant's current address)
- D. Attach the names and addresses of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the street from the subject lot).
- E. Attach documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease, or purchase agreement).
- F. Attach a legal description of the lot, as recorded with the Geauga County Recorder.
- G. Provide the current zoning district in which the lot is located: _____
- H. Provide a description of the existing use of the lot: _____
- I. Provide a description of the proposed use of the lot: _____
- J. Attach two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 2. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.
 3. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 6. The setback (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 7. The height (in feet) of existing buildings or structures on the lot.

8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 9. The name and location of the existing road(s), public and private, adjacent to the lot.
 10. The number of dwelling units existing (if any) and proposed for the lot.
 11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 12. For commercial and industrial uses: the location, dimensions (in feet), and number of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 14. The location and description of existing and proposed landscaping and buffer areas on the lot.
 15. The existing topography of the lot, at contours intervals of two (2) feet, and a final grading plan.
 16. The location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
 17. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
 18. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
- K. For an appeal requesting a variance to sign regulations, provide the following information:
1. Attach two (2) copies of a drawing, drawn to scale and dated, showing:
 - a. The dimensions (in feet) of the sign.
 - b. The area of the sign (per sign face) in square feet.
 - c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front lot lines.
 - d. The height (in feet) of the sign.
 - e. The method of illumination, if any.
 - f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo).
- L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
- M. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
- N. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the storm water management and erosion control plan.
- O. Provide the following additional information:

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

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

3. Written justification for the requested variance shall be made. If the request is for a "use" variance, responses to the following questions shall be provided:
 - a. Whether there are conditions that are unique to this lot, and not ordinarily found in the same zone or district? _____

 - b. Did the applicant create these conditions? _____
 - c. Whether the variance would adversely affect the rights of adjacent owners? _____

 - d. Whether the variance would adversely affect the public health, safety, or general welfare? _____

 - e. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance? How? _____

 - f. Whether the requested variance is the minimum action, which would afford relief to the applicant? _____

 - g. What other economically viable use of the lot could be made within this zoning district? _____

4. Written justification for the requested variance shall be made. If the request is for an "area" variance, responses to the following shall be provided:
 - a. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance. _____

 - b. Whether the variance is substantial. _____

 - c. Whether the essential character of the neighborhood would be substantially altered, or whether adjoining properties would suffer a substantial detriment as a result of the variance. _____

 - d. Whether the variance would adversely affect the delivery of governmental services. _____

 - e. Whether the lot owner purchased the property with the knowledge of the zoning restriction. _____

- f. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance. _____

- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. _____

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

I hereby acknowledge that I understand that the penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

Appellant's Signature

Print Name: _____

Date

I hereby acknowledge receipt of this notice of appeal requesting a variance this _____ day of _____, 20__.

Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Print Name: _____

FOR OFFICIAL USE ONLY

Application Number: _____

Zoning Certificate Application Number: _____

Date Notice Filed with Zoning Inspector: _____

Date Notice Filed with Board of Zoning Appeals: _____

Date of Notice to Parties in Interest: _____

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

Date of Public Hearing: _____

Amount of Appeal Fee Paid: \$ _____

NOTICE OF PUBLIC HEARING TO NEWSPAPER
APPEAL FOR VARIANCE TO HUNTSBURG TOWNSHIP
ZONING RESOLUTION

Notice is hereby given that the Huntsburg Township Board of Zoning Appeals will conduct a public hearing on an application, identified as number _____, on an appeal for a variance to the Huntsburg Township Zoning Resolution on the _____ day of _____, 20__ at _____ o'clock __m. at the Huntsburg Town Hall.

This application, submitted by _____ requests that: _____

(Provide summary of application)

be granted for the lot located at _____
(Address)

Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Print Name: _____

Publish: Provide date

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

Date: _____

TO:

Dear _____

This is to inform you that the Huntsburg Township Board of Zoning Appeals will hold a public hearing on an application for an appeal requesting a variance on the _____ day of _____, 20__ at _____ o'clock __m. at the Huntsburg Town Hall.

This application, submitted by _____ requests that

(Provide summary of application)

be granted for the lot located at _____.
(Address)

Signature of Chairman or Secretary
of Township Board of Zoning Appeals

Print Name: _____

Date

NOTICE OF APPEAL
(ALLEGING ERROR BY ZONING INSPECTOR)
HUNTSBURG TOWNSHIP

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT

- A. Name of Appellant: _____
Address of Appellant: _____
Telephone Number of Appellant: _____
- B. Name of Owner of Record: _____
Address of Owner of Record: _____
Telephone Number of Owner of Record: _____
- C. Address of the Lot: _____
(If different from Appellant's current address)
- D. Attach the names and addresses of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the street from the subject lot).
- E. Attach documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease, or purchase agreement).
- F. Attach a legal description of the lot, as recorded with the Geauga County Recorder.
- G. Provide the current zoning district in which the lot is located: _____
- H. Provide a description of the existing use of the lot: _____

- I. Provide a description of the proposed use of the lot: _____

- J. Attach two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 2. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.
 3. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
 4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 6. The setback (in feet) from all lot lines of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

7. The height (in feet) of existing buildings or structures on the lot.
 8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 9. The name and location of the existing road(s), public and private, adjacent to the lot.
 10. The number of dwelling units existing (if any) and proposed for the lot.
 11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 12. For commercial and industrial uses: the location, dimensions (in feet), and number of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 14. The location and description of existing and proposed landscaping and buffer areas on the lot.
 15. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
 16. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
 17. The location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
 18. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
 19. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
- K. For an appeal alleging error relative to sign regulations, provide the following information:
1. Attach two (2) copies of a drawing, drawn to scale and dated, showing the following information:
 - a. The dimensions (in feet) of the sign.
 - b. The area of the sign (per sign face) in square feet.
 - c. The location of the sign on the building, structure, or property including dimensions (in feet) from the front lot lines.
 - d. The height (in feet) of the sign.
 - e. The method of illumination, if any.
 - f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo).
- L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
- M. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
- N. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the storm water management and erosion control plan.

O. The following error was made by the zoning inspector in his determination of the application for the zoning certificate:

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

I hereby acknowledge that I understand that the penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

Appellant's Signature

Print Name: _____

Date

FOR OFFICIAL USE ONLY

I hereby acknowledge the receipt of this notice of appeal alleging error by the zoning inspector this _____ day of _____, 20 ____.

Signature of Chairman or Secretary of
Township Board of Zoning Appeals

Print Name: _____

Application Number: _____ Zoning Certificate Application Number: _____

Zoning Certificate Number: _____ Date Filed with Zoning Inspector: _____

Date Filed with Board of Zoning Appeals: _____

Date of Notice to Parties in Interest: _____

Date of Notice in Newspaper: _____

(Provide name of newspaper)

Date of Public Hearing: _____ Amount of Appeal Fee Paid: \$ _____

NOTICE OF PUBLIC HEARING TO PROPERTY OWNER

(ZONING APPEAL ALLEGING ERROR)

HUNTSBURG TOWNSHIP

Date: _____

TO:

Dear _____:

This is to inform you that the Huntsburg Township Board of Zoning Appeals will hold a public hearing on an application, identified as number _____, for an appeal alleging error by the zoning inspector on the _____ day of _____, 20 ____ at _____ o'clock ____m. at the Huntsburg Town Hall.

This application, submitted by _____ requests that _____

(Provide summary of application)

be granted for the lot located at _____.
(Address)

Signature of Chairman or Secretary of
Township Zoning Appeals

Print Name: _____

Date

NOTICE OF PUBLIC HEARING TO NEWSPAPER

APPEAL ALLEGING ERROR BY

HUNTSBURG TOWNSHIP ZONING INSPECTOR

Notice is hereby given that the Huntsburg Township Board of Zoning Appeals will conduct a public hearing on an application, identified as number _____, on an appeal alleging error by the Huntsburg Township Zoning Inspector on the _____ day of _____, 20__ at _____ o'clock __m. at the Huntsburg Town Hall.

This application, submitted by _____ requests that: _____

(Provide summary of application)

be granted for the lot located at _____.
(Address)

Signature of Chairman or Secretary of
Township Board of Zoning Appeals

Print Name: _____

Publish:

Provide date

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

NO. _____ - _____
(Year)

At a public meeting held by the Huntsburg Township Board of Zoning Appeals on _____, 20 ____, _____ moved and _____ seconded the motion to adopt the following findings of fact pertaining to an appeal for a variance, identified as application number _____:

1. _____, Appellant, is seeking (a use) (an area) variance from Article(s) _____, Section(s) _____ of the Huntsburg Township Zoning Resolution.
2. The real property is located at _____ in the _____ zoning district of Huntsburg Township.
(Street address)
3. The public hearing on this matter was held by the Board on: _____.
(Date)
4. Appellant claims entitlement to a variance because (note: attach additional sheets as necessary):

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

6. Appellant (has) (has not) shown the existence of (an unnecessary hardship) (practical difficulties) pursuant to Article(s) _____, Section(s) _____ of the Huntsburg Township Zoning Resolution.

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

Yes or No

Member, Board of Zoning Appeals

Print Name: _____

Member, Board of Zoning Appeals

Print Name: _____

Member, Board of Zoning Appeals

Print Name: _____

Member, Board of Zoning Appeals

Print Name: _____

Member, Board of Zoning Appeals

Print Name: _____

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

Print Name: _____

Date: _____

HUNTSBURG TOWNSHIP BOARD OF ZONING APPEALS

DECISION RELATING TO APPEAL FOR VARIANCE

NO. _____ - _____
(Year)

At a public meeting held by the Huntsburg Township Board of Zoning Appeals on _____, 20 ____, _____ moved and _____ seconded the motion to (grant) (deny) the appeal for (a use) (an area) variance, identified as number _____, for the real property located at _____ filed by _____, Appellant.

(Street address)

The following specific conditions were included with the grant of the variance: _____

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

Yes or No

Member, Board of Zoning Appeals

Print Name: _____

Member, Board of Zoning Appeals

Print Name: _____

Member, Board of Zoning Appeals

Print Name: _____

Member, Board of Zoning Appeals

Print Name: _____

Member, Board of Zoning Appeals

Print Name: _____

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

Print Name: _____

Date

HUNTSBURG TOWNSHIP BOARD OF ZONING APPEALS

DECISION RELATING TO APPEAL FOR VARIANCE

NO. _____ - _____
(Year)

At a public meeting held by the Huntsburg Township Board of Zoning Appeals on _____, 20 ____, _____ moved and _____ seconded the motion to (grant) (deny) the appeal for (a use) (an area) variance, identified as number _____, for the real property located at _____ filed by _____, Appellant.
(Street address)

The following specific conditions were included with the grant of the variance: _____

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

	Yes or No
_____ Member, Board of Zoning Appeals Print Name: _____	_____
_____ Member, Board of Zoning Appeals Print Name: _____	_____
_____ Member, Board of Zoning Appeals Print Name: _____	_____
_____ Member, Board of Zoning Appeals Print Name: _____	_____
_____ Member, Board of Zoning Appeals Print Name: _____	_____

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

Print Name: _____

Date

NOTICE OF ACTION

BY HUNTSBURG TOWNSHIP BOARD OF ZONING APPEALS

Date: _____

RE: Application for Appeal No. _____

Dear _____:

Please be advised that the Huntsburg Township Board of Zoning Appeals voted to (approve) (deny) the appeal, number _____, (for a variance) (alleging error by the zoning inspector) decided on _____, 20 ____.

The following specific conditions were included with the grant of the variance:

The decision of the board may be appealed to the Geauga County Court of Common Pleas within thirty (30) days from the date of the approval of the minutes by the board by a party in interest. Therefore, if you proceed within the next thirty (30) days be advised that you are doing so at your own risk.

Sincerely,

Chairman or Secretary of
Huntsburg Township Board of Zoning Appeals

Print Name: _____

APPLICATION FOR A ZONING AMENDMENT

HUNTSBURG TOWNSHIP

R. C. 519.12 (A)

The undersigned owner(s) or lessee(s) of the following legally described real property hereby request the adoption of the following zoning amendment to the Huntsburg Township Zoning Resolution.

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT

- A. Name of Applicant: _____
Address of Applicant: _____
Telephone Number of Applicant: _____
- B. Address of the Property/Lot: _____

- C. Describe the present use of the property/lot: _____
- D. Describe the present zoning classification of the property/lot: _____
- E. Provide the text of the proposed amendment: _____

- F. What is the proposed zoning district classification? (if applicable) _____

- G. Attach a legal description of the real property/lot included in the proposed amendment. If the applicant does not have title to the property, attach a copy of a power of attorney, lease, or purchase agreement as well.
- H. Attach a map, drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the property/lot.
- I. Attach a copy of the official township-zoning map with the area proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable.
- J. Attach a statement relative to the reason(s) for the proposed amendment and how it relates to the township land use plan.
- K. A site plan detailing existing and proposed buildings, structures, and uses on the affected lot(s) and documenting the provision and location(s) of sewage treatment and water supply facilities.
- L. Provide a list of the addresses from the county auditor's current tax list of all owners of property within and contiguous and directly across the street from the area proposed to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.

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

I hereby acknowledge that I understand that the penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

Applicant's Signature

Print Name: _____

Date

FOR OFFICIAL USE ONLY

I hereby acknowledge the receipt of this application for a zoning amendment this _____ day of _____, 20 ____.

Signature of Chairman or Secretary of
Township Zoning Commission

Print Name: _____

Application or Amendment Number: _____ Date Application Received: _____

Date of Submission to County Planning Commission: _____

Date of Public Hearing: _____

Dates, time and place of public examination: _____

Date of Notice to Property Owners: _____

Date of Notice in Newspaper: _____

(Provide name of newspaper)

Date of Submission to Board of Township Trustees: _____

Amount of Fee Paid: \$ _____

**MOTION TO INITIATE AMENDMENT
TO HUNTSBURG TOWNSHIP ZONING RESOLUTION
R. C. 519.12 (A)**

_____ moved the adoption of the following motion:

That an amendment to the Huntsburg Township Zoning Resolution, identified as number _____, consisting of _____ pages, marked Exhibit _____ and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Huntsburg Township Zoning Commission this _____ day of _____, 20 ____.

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

<u>Member</u>	<u>Yes or No</u>
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Attested to by: _____
Secretary, Township Zoning Commission

Print Name: _____

Date

MOTION TO INITIATE AMENDMENT

TO HUNTSBURG TOWNSHIP ZONING RESOLUTION AND ZONING MAP

R. C. 519.12 (A)

_____ moved the adoption of the following motion:

That an amendment to the Huntsburg Township Zoning Resolution, identified as number _____, consisting of _____ pages, marked Exhibit _____ and attached hereto and incorporated herein as though fully rewritten, and an amendment to the Huntsburg Township Zoning Map marked Exhibit _____ and attached hereto and incorporated herein, be hereby initiated by the Huntsburg Township Zoning Commission this _____ day of _____, 20 ____.

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

<u>Member</u>	<u>Yes or No</u>
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Attested to by: _____
Secretary, Township Zoning Commission

Print Name: _____

_____ Date

MOTION TO INITIATE AMENDMENT

TO HUNTSBURG TOWNSHIP ZONING RESOLUTION AND ZONING MAP

R. C. 519.12 (A)

_____ moved the adoption of the following motion:

That an amendment to the Huntsburg Township Zoning Resolution, identified as number _____, consisting of _____ pages, marked Exhibit _____ and attached hereto and incorporated herein as though fully rewritten, and an amendment to the Huntsburg Township Zoning Map marked Exhibit _____ and attached hereto and incorporated herein, be hereby initiated by the Huntsburg Township Zoning Commission this _____ day of _____, 20 ____.

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

<u>Member</u>	<u>Yes or No</u>
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Attested to by: _____
Secretary, Township Zoning Commission

Print Name: _____

_____ Date

**RESOLUTION TO INITIATE AMENDMENT
TO HUNTSBURG TOWNSHIP ZONING RESOLUTION
R. C. 519.12 (A)**

_____ moved the adoption of the following resolution:

That an amendment to the Huntsburg Township Zoning Resolution, identified as number _____, consisting of _____ pages, marked Exhibit _____ and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Huntsburg Township Board of Trustees this _____ day of _____, 20 ____.

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

<u>Trustee</u>	<u>Yes or No</u>
_____ Print Name: _____	_____
_____ Print Name: _____	_____
_____ Print Name: _____	_____

Attested to by: _____
Fiscal Officer

Print Name: _____

Date

Revised September 2006

**RESOLUTION TO INITIATE AMENDMENT
TO HUNTSBURG TOWNSHIP ZONING RESOLUTION AND ZONING MAP**

R. C. 519.12 (A)

_____ moved the adoption of the following resolution:

That an amendment to the Huntsburg Township Zoning Resolution, identified as number _____, consisting of _____ pages, marked Exhibit _____ and attached hereto and incorporated herein as though fully rewritten, and an amendment to the Huntsburg Township Zoning Map marked Exhibit _____ and attached hereto and incorporated herein, be hereby initiated by the Huntsburg Township Board of Trustees this _____ day of _____, 20 ____.

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

<u>Trustee</u>	<u>Yes or No</u>
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Attested to by: _____
Fiscal Officer

Print Name: _____

Date

**CERTIFICATION OF RESOLUTION
TO INITIATE PROPOSED
AMENDMENT TO ZONING RESOLUTION
TO TOWNSHIP ZONING COMMISSION
R. C. 519.12 (A)**

I, _____, Fiscal Officer of Huntsburg Township, Geauga County, Ohio, do hereby certify that the resolution attached hereto, identified as number _____, is taken and copied from the record of proceedings of the, Board of Township Trustees of Huntsburg Township, Geauga County, Ohio; that the same has been compared by me with the resolution contained in said record and that it is a true and accurate copy thereof.

Witness my signature, this _____ day of _____, 20 ____.

Fiscal Officer
Print Name: _____

Received by, the Huntsburg Township Zoning Commission, this _____ day of _____, 20____.

Chairman or Secretary of
Township Zoning Commission
Print Name: _____

NOTE: Amendments to the zoning resolution may be initiated by the passage of a resolution therefore by the board of township trustees. The board of township trustees shall upon the passage of such resolution certify it to the township zoning commission.

**MOTION TO SET DATE
FOR PUBLIC HEARING ON
PROPOSED AMENDMENT TO
TOWNSHIP ZONING RESOLUTION
R. C. 519.12 (A) or (E)**

The Huntsburg Township (Board of Township Trustees) (Zoning Commission), Geauga County, Ohio, met in _____ session on the _____ day of _____, 20 ____, at the Huntsburg Town Hall with the following members present:

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

_____ moved the adoption of the following motion:

That the Huntsburg Township (Board of Township Trustees) (Zoning Commission) conducts a public hearing on the proposed amendment identified as number _____, to the Huntsburg Township Zoning Resolution, as attached hereto on the _____ day of _____, 20 ____ at _____ o'clock ____ m. at the Huntsburg Town Hall.

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

<u>Member</u>	<u>Yes or No</u>
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Adopted the _____ day of _____, 20 ____.

Attested to by: _____
(Fiscal Officer) (Secretary, Township Zoning Commission)

Print Name: _____

NOTE: Upon the adoption of the motion, or the certification of the resolution, or the filing of the application for a proposed zoning amendment, the township zoning commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the adoption of such motion, or the certification of such resolution, or the filing of such application.

The board of township trustees shall, upon receipt of the recommendation of the township zoning commission on a proposed zoning amendment, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of the recommendation from the township zoning commission.

**NOTICE OF PUBLIC HEARING
ON (MOTION) (RESOLUTION) (APPLICATION)
PROPOSING TO AMEND
THE HUNTSBURG TOWNSHIP ZONING RESOLUTION
R. C. 519.12 (C)**

Notice is hereby given that the Huntsburg Township Zoning Commission will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number _____, to the Huntsburg Township Zoning Resolution at the, Huntsburg Town Hall at _____ o'clock ____m. on _____, 20 ____.

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

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

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

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the Huntsburg Town Hall from _____ o'clock ____m. to _____ o'clock ____m. from _____, 20 ____ through _____, 20 ____.

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

Name of person responsible for giving
notice of public hearing

Print Name: _____

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

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

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

This notice of public hearing shall also be sent by the zoning commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list.

**NOTICE OF PUBLIC HEARING
ON (MOTION) (RESOLUTION) (APPLICATION)
PROPOSING TO AMEND
THE HUNTSBURG TOWNSHIP ZONING RESOLUTION
R.C. 519.12 (D)**

Notice is hereby given that the Huntsburg Township Zoning Commission will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number _____, to the Huntsburg Township Zoning Resolution at the Huntsburg Town Hall at _____ o'clock ___m. on _____, 20 ____.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the Huntsburg Town Hall from _____ o'clock ___m. to _____ o'clock ___m. from _____, 20 __ through _____, 20 ____.

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

Name of person responsible for giving
notice of public hearing

Print Name: _____

Publish: _____, 20 ____

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

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

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

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

**TRANSMISSION OF COPY OF (RESOLUTION)
(MOTION) (APPLICATION) FOR PROPOSED
AMENDMENT TO ZONING RESOLUTION
TOGETHER WITH TEXT (AND MAP)
PERTAINING THERETO TO COUNTY
PLANNING COMMISSION
R. C. 519.12 (E)**

The Huntsburg Township Zoning Commission hereby submits the attached copy of the (resolution) (motion) (application) for a proposed amendment, identified as number _____, to the Huntsburg Township Zoning Resolution together with attached text (and map) pertaining thereto to the Geauga County Planning Commission this _____ day of _____, 20 ____.

Huntsburg Township Zoning Commission

Member
Print Name: _____

Member
Print Name: _____

Member
Print Name: _____

Member
Print Name: _____

Member
Print Name: _____

Attested to by: _____
Secretary, Township Zoning Commission

Print Name: _____

Received by Geauga County Planning Commission this _____ day of _____, 20 ____.

Signature of Planning Commission
Member or Employee

Print Name: _____

NOTE: Within five (5) days after the adoption of the motion or the certification of the resolution or the filing of the application for a proposed zoning amendment, the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county planning commission.

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

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

The Huntsburg Township Zoning Commission, Geauga County, Ohio met in _____ session on the _____ day of _____, 20 ____, at _____ with the following members present:

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

_____ moved the adoption of the following motion:

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

Or

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

Set forth modification

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

<u>Member</u>	<u>Yes or No</u>
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Adopted the _____ day of _____, 20 ____.

Attested to by: _____
Secretary, Township Zoning Commission

Print Name: _____

Received by Huntsburg Township Board of Township Trustees this _____ day of _____, 20 ____.

Fiscal Officer

Print Name: _____

NOTE: The township zoning commission shall, within thirty (30) days after the public hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with the application or resolution, the text and map pertaining thereto and the recommendation of the county planning commission thereon to the board of township trustees.

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

The Huntsburg Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number _____, to the Huntsburg Township Zoning Resolution together with the attached (resolution) (motion) (application), and text (and map) pertaining thereto and the attached recommendation of the Geauga County Planning Commission to the Huntsburg Township Board of Township Trustees this _____ day of _____, 20 ____.

Huntsburg Township Zoning Commission

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Attested to by: _____
Secretary, Township Zoning Commission

Print Name: _____

Received by Huntsburg Township Board of Township Trustees this _____ day of _____, 20 ____.

Chief Fiscal Officer

Print Name: _____

Revised September 2006

**NOTICE OF PUBLIC HEARING
ON (MOTION) (RESOLUTION) (APPLICATION)
PROPOSING TO AMEND
THE HUNTSBURG TOWNSHIP ZONING RESOLUTION
R. C. 519.12 (F)**

Notice is hereby given that the Huntsburg Township Board of Township Trustees will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number _____, to the Huntsburg Township Zoning Resolution at the Huntsburg Town Hall at _____ o'clock ____m. on _____, 20 ____.

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

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

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

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the Huntsburg Town Hall from _____ o'clock ____m. to _____ o'clock ____m. from _____, 20 ____ through _____, 20 ____.

Name of person responsible for
giving notice of public hearing

Print Name: _____

Publish: _____, 20 ____.

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

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

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

**NOTICE OF PUBLIC HEARING
ON (MOTION) (RESOLUTION) (APPLICATION)
PROPOSING TO AMEND
THE HUNTSBURG TOWNSHIP ZONING RESOLUTION
R.C. 519.12 (G)**

Notice is hereby given that the Huntsburg Township Board of Township Trustees will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number _____, to the Huntsburg Township Zoning Resolution at the Huntsburg Town Hall at _____ o'clock ____m. on _____, 20 ____.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the Huntsburg Town Hall from _____ o'clock ____m. to _____ o'clock ____m. from _____, 20 ____ through _____, 20 ____.

Name of person responsible for
giving notice of public hearing

Print Name: _____

Publish: _____, 20 ____.

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

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

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

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

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

The Huntsburg Township Board of Township Trustees, Geauga County, Ohio met in _____ session on the _____ day of _____, 20 ____, at the Huntsburg Town Hall with the following members present:

Print Name: _____

Print Name: _____

Print Name: _____

_____ moved the adoption of the following resolution:

WHEREAS, on the _____ day of _____, 20 ____, the board of township trustees received a recommendation from the township zoning commission on a proposed amendment, identified as number _____, to the Huntsburg Township Zoning Resolution together with the (motion) (resolution) (application), text, (map), and recommendation of the county planning commission relating thereto; and

WHEREAS, on the _____ day of _____, 20 ____, the board of township trustees conducted a public hearing on the proposed amendment as provided by law; therefore be it

RESOLVED, that the Huntsburg Township Board of Township Trustees, Geauga County, Ohio this _____ day of _____, 20 ____, hereby (adopts) (denies) (adopts the following modifications of) the recommendations of the township zoning commission as attached hereto as exhibit A and incorporated herein.

Set forth modifications if any

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

And be it further,
RESOLVED, that the Huntsburg Township Board of Township Trustees, Geauga County, Ohio, this _____ day of _____, 20 ____, hereby adopts an amendment to the Huntsburg Township Zoning Resolution (and Zoning Map) as set forth in the text (and map) attached hereto as exhibits _____ (and _____) and incorporated herein.

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

<u>Trustee</u>	<u>Yes or No</u>
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	
_____	_____
Print Name: _____	

Adopted the _____ day of _____, 20 ____.

Attested to by: _____
 Fiscal Officer
 Print Name: _____

NOTE: The text and map of the zoning amendment attached to the resolution and adopted by the board should be signed by the members of the board of township trustees and attested to by the Fiscal Officer.

NOTE: Within twenty (20) days after the public hearing the board shall either adopt or deny the recommendations of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the township zoning commission the unanimous vote of the board shall be required.

Such amendment adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or past thereof included in the zoning plan equal to not less than eight per cent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. If a majority of the vote cast on the issue is in favor of the amendment, upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect.

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

The attached copy of a zoning amendment, identified as number _____, to the Huntsburg Township Zoning Resolution marked exhibit _____ and effective on _____, 20 ____ is hereby filed with the Geauga County Recorder this _____ day of _____, 20 ____.

I hereby certify that the attached amendment is a true and correct copy taken from the official records of Huntsburg Township.

_____, Fiscal Officer

Print Name: _____

Huntsburg Township

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

**FILING OF ZONING AMENDMENT ADOPTED
BY HUNTSBURG TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
WITH GEAUGA COUNTY PLANNING COMMISSION
R. C. 519.12 (H)**

The attached copy of a zoning amendment, identified as number _____, marked exhibit _____ and effective on _____, 20 ___ is hereby filed with the Geauga County Planning Commission this _____ day of _____, 20 ___. I hereby certify that the attached amendment is a true and correct copy taken from the official records of Huntsburg Township.

_____, Fiscal Officer

Print Name: _____

Huntsburg Township

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

APPENDIX II

R.C. SECTION 519.12:

**AMENDMENTS TO TOWNSHIP ZONING RESOLUTION;
PROCEDURE, REFERENDUM**

Section 519.12 of the Ohio Revised Code.
Amendments to Township Zoning Resolution;
Procedure, Referendum.

- (A) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution therefore by the board of township trustees, or by the filing of an application therefore by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee therefore to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application. The board of township trustees shall upon the passage of such resolution certify it to the township zoning commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the township zoning commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the township zoning commission by one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

- (B) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.
- (C) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:
- (1) The name of the zoning commission that will be conducting the public hearing;
 - (2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
 - (3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
 - (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 - (5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - (6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 - (7) Any other information requested by the zoning commission;
 - (8) A statement that after the conclusion of such hearing the matter will be submitted to the board of township trustees for its action.
- (D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- (1) The name of the zoning commission that will be conducting the public hearing on the proposed amendment;
 - (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - (4) The name of the person responsible for giving notice of the public hearing by publication;
 - (5) A statement that after the conclusion of such hearing the matter will be submitted to the board of township trustees for its action;
 - (6) Any other information requested by the zoning commission.
- (E) Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission, if there is such a commission.

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

The township zoning commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the board of township trustees.

The board of township trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the township zoning commission. Notice of such public hearing shall be given by the board by one (1) publication in one (1) or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

- (F) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
- (1) The name of the board that will be conducting the public hearing;
 - (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - (3) A list of addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
 - (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 - (5) 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 public hearing;
 - (6) The name of the person responsible for giving notice of the public hearing by publication or by

mail, or by both publication and mail;

- (7) Any other information requested by the board.
- (G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
- (1) The name of the board that will be conducting the public hearing on the proposed amendment
 - (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution
 - (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing
 - (4) The name of the person responsible for giving notice of the public hearing by publication
 - (5) Any other information requested by the board
- (H) Within twenty (20) days after such public hearing the board shall either adopt or deny the recommendations of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the township zoning commission the unanimous vote of the board shall be required.

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

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

"PETITION FOR ZONING REFERENDUM"

(if the proposal is identified by a particular name or number, or both, these should be inserted here).
.....

A proposal to amend the zoning map of the unincorporated area of Township,
..... County, Ohio, adopted (date) (followed by brief summary
of the proposal).

To the Board of Township Trustees of Township, County,
Ohio:
. County, Ohio:

We, the undersigned, being electors residing in the unincorporated are of
Township, included within the Township Zoning Plan, equal to not less than eight per
cent (8%) of the total vote cast for all candidates for governor in the area at the preceding general election
at which a governor was elected, request the Board of Township Trustees to submit this amendment of
the zoning resolution to the electors of Township residing within the unincorporated
area of the township included in the Township Zoning Resolution, for approval or
rejection at a special election to be held on the day of the next primary or general election to be held on . .
. (date) , pursuant to section 519.12 of the Revised Code.

Signature	Street Address or R.F.D.	Township	Precinct	County	Date of Signing
.....					
.....					
.....					
.....					
.....					
.....					
.....					
.....					
.....					
.....					

STATEMENT OF CIRCULATOR

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

.....
(Signature of circulator)

.....
(Address)

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

**“THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR
NOT MORE THAN SIX (6) MONTHS, OR A FINE OF
NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000), OR BOTH.”**

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the board of township trustees, which shall then transmit the petition within two (2) weeks of its receipt to the board of elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the board of elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.

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

Within five (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 regional or county planning commission, if one exists.

The board shall file all amendments, including text and maps that are in effect on January 1, 1992, in the office of the county recorder within thirty (30) working days after that date. The board shall also file duplicates of the same documents with the regional or county planning commission, if one exists, within the same period.

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

TOWNSHIP ZONING AMENDMENT PROCEDURE
R.C. 519.12

- | | | | |
|--|---|--|---|
| <p>(1) INITIATE AMENDMENT:
APPLICATION BY PROPERTY OWNER OR LESSEE
MOTION BY TOWNSHIP ZONING COMMISSION
RESOLUTION BY BOARD OF TOWNSHIP TRUSTEES</p> | <p>(7) TOWNSHIP ZONING COMMISSION
CLOSES PUBLIC HEARING AND
MUST VOTE TO RECOMMEND
APPROVAL, DENIAL, OR APPROVAL
OF SOME MODIFICATION OF THE
AMENDMENT WITHIN 30 DAYS AFTER
THE PUBLIC HEARING.</p> | <p>(12) BOARD OF TOWNSHIP TRUSTEES CLOSES
PUBLIC HEARING AND WITHIN 20 DAYS MUST
VOTE TO ADOPT OR DENY THE RECOMMENDATION
OF THE TOWNSHIP ZONING COMMISSION, OR ADOPT
SOME MODIFICATION THEREOF. IF RECOMMENDATION
OF THE TOWNSHIP ZONING COMMISSION IS DENIED OR
MODIFIED, A UNANIMOUS VOTE OF THE BOARD IS
REQUIRED.</p> | <p>(16) R.C. 519.122 PROVIDES THAT NO ACTION CHALLENGING
THE VALIDITY OF A ZONING RESOLUTION OR OF ANY
AMENDMENT THERETO BECAUSE OF A PROCEDURAL
ERROR IN THE ADOPTION OF THE RESOLUTION OR
AMENDMENT SHALL BE BROUGHT MORE THAN 2 YEARS
AFTER THE ADOPTION OF THE RESOLUTION OR
AMENDMENT.</p> |
| <p>(2) TOWNSHIP ZONING COMMISSION SETS DATE OF
PUBLIC HEARING NOT LESS THAN 20 NOR MORE
THAN 40 DAYS FROM DATE OF INITIATION.</p> | <p>(8) TOWNSHIP ZONING COMMISSION
SUBMITS ITS RECOMMENDATION
ON AMENDMENT, APPLICATION
OR RESOLUTION, TEXT AND MAP,
AND RECOMMENDATION OF COUNTY
PLANNING COMMISSION TO
BOARD OF TOWNSHIP TRUSTEES.</p> | <p>(13) THE AMENDMENT, IF ADOPTED, SHALL BECOME
EFFECTIVE IN 30 DAYS AFTER THE DATE OF ADOPTION
UNLESS A REFERENDUM PETITION IS PRESENTED TO
THE BOARD OF TOWNSHIP TRUSTEES WITHIN THE 30
DAY TIME PERIOD.</p> | <p>(15) WITHIN 5 WORKING DAYS AFTER AN AMENDMENT'S
EFFECTIVE DATE, COPIES THEREOF SHALL BE FILED BY
THE BOARD OF TOWNSHIP TRUSTEES WITH THE
COUNTY RECORDER AND THE COUNTY PLANNING
COMMISSION OFFICE.</p> |
| <p>(3) TOWNSHIP ZONING COMMISSION TRANSMITS
A COPY OF THE TEXT AND MAP OF THE
AMENDMENT TO THE COUNTY PLANNING
COMMISSION WITHIN 5 DAYS OF INITIATION.</p> | <p>(9) UPON RECEIPT, THE BOARD OF
TOWNSHIP TRUSTEES MUST SET
A PUBLIC HEARING DATE NOT MORE
THAN 30 DAYS FROM THE DATE OF
RECEIPT OF THE ZONING COMMISSION'S
RECOMMENDATION ON AMENDMENT.</p> | <p>(14) IF THE PETITION IS VALIDATED BY THE COUNTY BOARD
OF ELECTIONS, THE AMENDMENT SHALL NOT TAKE
EFFECT UNTIL THE RESULTS OF THE ELECTION HAVE
BEEN CERTIFIED BY THE COUNTY BOARD OF ELECTIONS
AND A MAJORITY OF VOTES ARE CAST IN FAVOR OF
THE AMENDMENT.</p> | <p>(11) BOARD OF TOWNSHIP TRUSTEES
HOLDS PUBLIC HEARING. BOARD
REVIEWS RECOMMENDATIONS
OF COUNTY PLANNING COMMISSION
AND TOWNSHIP ZONING COMMISSION.</p> |
| <p>(4) TOWNSHIP ZONING COMMISSION
PLACES A LEGAL NOTICE ON
THE AMENDMENT IN A NEWSPAPER
OF GENERAL CIRCULATION NOT
LESS THAN 10 DAYS PRIOR TO THE
PUBLIC HEARING. IF THE AMENDMENT
INTENDS TO REZONE 10 OR FEWER
LOTS, THEN A NOTICE MUST BE
MAILED TO ADJACENT PROPERTY
OWNERS AS WELL.</p> | <p>(10) BOARD OF TOWNSHIP TRUSTEES
PLACES A LEGAL NOTICE IN A
NEWSPAPER OF GENERAL CIRCULATION
NOT LESS THAN 10 DAYS PRIOR
TO THE PUBLIC HEARING.</p> | <p>(15) WITHIN 5 WORKING DAYS AFTER AN AMENDMENT'S
EFFECTIVE DATE, COPIES THEREOF SHALL BE FILED BY
THE BOARD OF TOWNSHIP TRUSTEES WITH THE
COUNTY RECORDER AND THE COUNTY PLANNING
COMMISSION OFFICE.</p> | <p>(16) R.C. 519.122 PROVIDES THAT NO ACTION CHALLENGING
THE VALIDITY OF A ZONING RESOLUTION OR OF ANY
AMENDMENT THERETO BECAUSE OF A PROCEDURAL
ERROR IN THE ADOPTION OF THE RESOLUTION OR
AMENDMENT SHALL BE BROUGHT MORE THAN 2 YEARS
AFTER THE ADOPTION OF THE RESOLUTION OR
AMENDMENT.</p> |
| <p>(5) COUNTY PLANNING COMMISSION
REVIEWS AMENDMENT AND OFFERS
ITS FORMAL RECOMMENDATION TO
THE TOWNSHIP ZONING COMMISSION.</p> | <p>(11) BOARD OF TOWNSHIP TRUSTEES
HOLDS PUBLIC HEARING. BOARD
REVIEWS RECOMMENDATIONS
OF COUNTY PLANNING COMMISSION
AND TOWNSHIP ZONING COMMISSION.</p> | <p>(15) WITHIN 5 WORKING DAYS AFTER AN AMENDMENT'S
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COUNTY RECORDER AND THE COUNTY PLANNING
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AMENDMENT SHALL BE BROUGHT MORE THAN 2 YEARS
AFTER THE ADOPTION OF THE RESOLUTION OR
AMENDMENT.</p> |
| <p>(6) TOWNSHIP ZONING COMMISSION
HOLDS PUBLIC HEARING
AND CONSIDERS RECOMMENDATION
OF COUNTY PLANNING COMMISSION.</p> | <p>(11) BOARD OF TOWNSHIP TRUSTEES
HOLDS PUBLIC HEARING. BOARD
REVIEWS RECOMMENDATIONS
OF COUNTY PLANNING COMMISSION
AND TOWNSHIP ZONING COMMISSION.</p> | <p>(15) WITHIN 5 WORKING DAYS AFTER AN AMENDMENT'S
EFFECTIVE DATE, COPIES THEREOF SHALL BE FILED BY
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AMENDMENT.</p> |