

**ARTICLE IV  
DISTRICT REGULATIONS**

<u>Section</u>	<u>Title</u>
400.0	General <ul style="list-style-type: none"><li>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.</li><li>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.</li><li>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.</li></ul>
401.0	All Zoning Districts.
401.1	Regulations for Accessory Buildings, Structures, and Uses In All Zoning Districts <ul style="list-style-type: none"><li>A. Accessory buildings, structures, and uses as defined in Section 201.0 and permitted in the zoning district in which located, shall be in conformity with the following regulations in addition to such other regulations set forth in this resolution:<ul style="list-style-type: none"><li>1. The front yard setback of all accessory buildings, structures, and uses except as otherwise provided in Section 402.11 or in this resolution, shall be equal to or greater than the front setback of the principal building, structure, or use and shall be in compliance with the minimum front yard setback for the zoning district in which it is located. Except as otherwise provided in this resolution, no accessory building, structure or use shall be located in front of the principal building, structure, or use on a lot.</li><li>2. The size of all accessory buildings and structures combined, excluding the buildings, structures and uses in Section 402.11, other than off-street parking spaces, or as otherwise provided in this resolution shall not cause total lot coverage to exceed the amount of coverage permitted by this resolution for all buildings, structures, and uses on a lot for the applicable zoning district in which it is located.</li><li>3. The accessory buildings, structures, and uses in Section 402.11, except mailboxes and newspaper tubes, shall not be</li></ul></li></ul>

located within the road right-of-way nor shall they impair the view of motor vehicles within or entering the road right-of-way.

4. The height of an accessory building or structure shall not exceed the height permitted for principal buildings or structures on a lot for the zoning district in which it is located, except as otherwise provided in this resolution.
5. An accessory building, structure, or use shall be located on the same lot as the principal building, structure, or use.
6. An accessory building or structure shall not be located within fifteen (15) feet of the principal building or structure on a lot except as otherwise provided in this resolution.
7. An accessory building or structure is permitted to be built on a lot prior to the building of the principal building or structure only if a zoning certificate has first been issued for the construction of the principal building or structure.

#### 401.2 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 that has been granted in accordance with Article X.
- B. Lighting fixtures and devices which are arranged to reflect lights on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.
- C. Mobile homes shall be prohibited.
- D. No junk vehicle, as defined herein, including an unlicensed collector's vehicle shall be stored or located outside of a fully enclosed fence or building which would completely conceal it from view.
- E. Junk yards shall be prohibited.
- F. Automotive wrecking shall be prohibited.
- G. Manufactured Home parks shall be prohibited.
- H. Harboring, maintaining, or controlling wild, dangerous or undomesticated animals shall be prohibited. A "wild, dangerous or undomesticated animal" means an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:

1. Is a poisonous or venomous animal or snake, or a snake that is a constrictor;
2. Is an omnivorous or carnivorous animal which is a predator in its natural habitat;
3. Is an animal which, by reason of its size, strength or appetite, if unrestrained and free in the Township, could cause peril to persons, pets, or other domesticated animals, buildings, landscaping, or personal property;
4. Is, by illustration, and without limitation among the following: a lion, tiger, lynx, mountain lion, jaguar, cheetah, leopard, panther, bear, wolverine, elephant, giraffe, rhinoceros, hippopotamus, wolf, wild ox, wild boar, crocodile, alligator, caiman, gavial, hyena, gorilla, or coyote.

I. Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21.

402.0 Residential Zoning Districts

402.1 R-5 and R-3 Residential Districts

402.2 Permitted Principal Buildings, Structures, and Uses

- A. Single family detached dwellings, including industrialized units and manufactured homes subject to the regulations set forth in Section 402.12. There shall be no more than one single family detached dwelling on a lot.
- B. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25 percent of the total floor area of a dwelling unit shall be used in the conduct of a home occupation. Floor area of a dwelling unit shall be determined by measuring its interior dimensions, in accordance with Section 402.10.

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).

- A. A wind system device shall have a minimum Clear Zone Setback (CZS) measured from the nearest lot line to the base of the device of not less than 1.10 when  $CZS = HT \times 1.10$ . HT shall mean the height of the wind system device measured from its base to its highest point including the blade.
- B. 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. Any stand found on such market shall be at least twenty (20) feet back from the traveled portion of the road and be designed and constructed that they can be and are removed when not in use. Such Markets shall have adequate facilities maintained for the off-the-road parking of customer's vehicles.

1. Roadside stands, not exceeding one (1) per lot, may be used for the display and sale of agricultural products provided:
  - a. Such stands are at least twenty (20) feet back from the traveled portion of the road.
  - b. Adequate facilities are maintained for off-the-road parking of customer's vehicles.
  - c. Such stands shall be so designed and constructed that they can be and are removed when not in use.

C. Fences and walls in accordance with the following regulations:

1. Fences and walls shall be erected outside of the right-of-way of a public or private road
2. No part of any fence or wall shall extend beyond the boundary lines of the property being enclosed.
3. Structural posts and supports and other devices shall be erected within the side facing the property being enclosed.
4. No fence or wall materials, exposed projections, nor the location or manner of construction shall constitute a hazard to the general public safety.
5. Electrical and barbed wire fencing shall be limited to agricultural use.
6. Fences and walls in Residential and Commercial Zoning Districts shall not exceed eight (8) feet in height above the finished grade level, provided that in any required front yard, no fence or wall shall exceed four (4) feet in height above the finished grade level or materially impede the vision of a driver at the intersection of a driveway with a public road.
7. Fences and walls in Industrial Zoning Districts shall not exceed ten (10) feet in height above the finished grade level, provided that in any required front yard, no fence or wall shall exceed four (4) feet in

height above the finished grade level or materially impede the vision of a driver at the intersection of a driveway with a public road.

8. Fences or walls deemed unsafe, unsecure or in disrepair so as to constitute a nuisance or safety hazard, as determined by the Zoning Inspector, shall be repaired, replaced or taken down on the order of the Zoning Inspector.

D. Off-street parking spaces in accordance with Article VI.

E. Private garages designed and used for the storage of personal property and motor vehicles owned and/or operated by the occupants of the principal building or structure.

F. Radio, television, satellite dish, and amateur radio service communication antennas in accordance with Section 402.8. No zoning certificate shall be required for a satellite dish antenna that is one (1) meter or less in diameter in any residential zone or two (2) meters or less in diameter in any industrial-commercial zone.

G. Sanitary and drinking water facilities.

H. Signs in accordance with Article VII.

I. Swimming pools in accordance with the following regulations:

1. A swimming pool shall be used solely by the occupants of the principal use, or their guests, of the property on which it is located.
2. A swimming pool shall not be located closer than twenty (20) feet to any property line.
3. A swimming pool shall be completely enclosed by a fence or wall at least four (4) feet in height and not less than six (6) feet from the perimeter of the pool. **fully enclosed by a protective structure that will restrict uncontrolled access to the pool. Such structure shall be a fence or a wall that is at least four (4) feet in height and not less than six (6) feet from the perimeter of the pool. Any gates or other entries through such fence or wall shall be self-closing, self-latching and lockable. The release mechanism shall be located on the pool-side of the gate at least three (3) inches below the top of the gate. Fencing shall be constructed so as to prohibit the passage of a sphere larger than four (4) inches in diameter through any opening or under the fencing. Fencing shall be designed to withstand a horizontal concentrated load of two-hundred (200)**

***pounds applied on a one (1) square foot area at any point of the fencing.***

***4. Where an above ground pool structure is used as a barrier and the means of access is a ladder or steps:***

- a. the ladder or steps shall be capable of being secured, locked or removed when the pool is not in use.***
- b. when the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four (4) inch diameter sphere.***
- c. If there is a deck around the pool, it must be at least four (4) feet above the ground with the opening secured as provided herein.***

**J. Free-Standing Solar Energy Panels and Arrays are permitted in any district, provided the following provisions are met:**

1. The number of Freestanding Solar Energy Panels and/or Arrays permitted in any district shall encompass no more than twenty percent (20%) of the total area of the lot upon which the panels and/or arrays are installed. Panel collector surface area is used for flat panels, radius shall be used for calculation of surface area of concentrating collector types.
2. Freestanding Solar Energy Panels and/or Arrays shall not be located in front of a principal building or structure in a Residential District
3. All panels and/or arrays shall comply with the minimum setback requirements for the zoning district in which they are located.
4. An application and site plan for a Zoning Certificate shall be submitted to the Zoning Inspector on forms provided by the Zoning Inspector.
5. When a panel and/or array ends its useful life, the property owner shall remove the panel(s) and/or array(s) within one-hundred eighty (180) days from the date on which the system last functioned, unless the owner produces evidence of mitigating circumstances. The cost and expense of removal shall be borne by the property owner.
6. Solar Energy Panels and/or Solar Energy Arrays will be dismantled using best management practices. Non-panel and/or array components such as foundations, anchor bolts, rebar, conduit, construction pads, and other subsurface components to be removed to a minimum of thirty-six (36) inches below grade.

7. Items not known to be harmful to the environment buried greater than thirty-six (36) inches below grade may be left in place at the applicant's discretion. Once removal is complete, the excavation will be backfilled with material of quality soil comparable to the immediate surrounding area. The disturbed soils of the site will be rehabilitated including appropriate grading and reseeding of the area.
8. There shall be no signage attached to the solar energy panels, except for any manufacturer's identification.

K. Roof and Wall Installed Solar Energy Panels are permitted in any district, provided the following provisions are met:

1. All Roof or Wall Installed Solar Panels shall require a Zoning Certificate prior to installation. Within thirty (30) days after installation the owner shall provide the Zoning Inspector with a certified letter from a qualified person or entity that reflects that the system has been installed in compliance with Section 402.3.J.1-4.
2. An application and site plan for a Zoning Certificate shall be submitted to the Zoning Inspector on forms provided by the Zoning Inspector.
3. Panels shall be decommissioned as outlined per Section 402.3.J.5-8.

L. Outdoor Wood-Fired Boilers in accordance with Section 404.0

#### 402.4 Conditional Buildings, Structures and Uses

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

##### A. Home Occupations

1. A home occupation is an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the lot as a dwelling and residence, and is conducted entirely within the dwelling unit, without any adverse effect upon the surrounding neighborhood.

2. Conditions for home occupations:

- A. A home occupation may be established only within a dwelling unit. Only one (1) home occupation may be established on a lot.
- B. There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with Article VII.
- C. Off-street parking spaces shall be provided in accordance with Article VI.
- D. The minimum width of a driveway for ingress and egress to a home occupation shall be 10 feet. Such driveway shall be constructed with an all-weather surface.
- E. The dwelling unit in which a home occupation is conducted shall conform with all the regulations for the zoning district in which it is located.
- F. No more than 2 persons, other than the occupants of the premises, may be employed or engaged in a home occupation.
- G. Articles offered for sale on the premises shall be limited to those produced in the dwelling unit.
- H. A home occupation shall be owned or operated by the owner or resident of the property or his immediate family.
- I. Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities for a home occupation.

\*NOTE: The following (B-H) principal buildings, structures, and uses are subject to a conditional use permit.

- B. Licensed residential facilities subject to the regulations set forth in Section 402.13.
- C. Cemeteries
- D. Churches
- E. Governmental Offices
- F. Police and Fire Stations
- G. Public parks
- H. Schools



I. Bed and Breakfast Definition

1. Residential dwelling in which rooms are rented to paying guests on an overnight basis and breakfast only is provided; the entire service to be included in one stated price.
2. Conditions for Bed and Breakfast: A bed and breakfast use shall conform with all of the following conditions.
  - a. The Bed and Breakfast shall be owner-operated; it must be the principal residence of the owner, and occupied by the owner. There shall be no more than one Bed and Breakfast on a lot.
  - b. No more than three (3) rooms shall be rented. Each room rented shall contain a minimum of one hundred (100) square feet.
  - c. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure or building.
  - d. No cooking facilities of any type shall be permitted in the rented rooms.
  - e. Such parking spaces shall not be located in front of the principal dwelling on a lot.
  - f. No change to the outside appearance of the dwelling shall occur as a result of the operation of the Bed and Breakfast facility.
  - g. One (1) sign not exceeding four (4) square feet per sign face in area shall be permitted. The sign shall conform to Article VII.
  - h. Comply with all governmental regulations pertaining to health and safety, including written evidence of the approval for water and sewer facilities, as well as regulations for the zoning district in which it is located.
  - i. Renewal of the conditional zoning certificate is pursuant to Article V Section 503.0(B) of the Burton Township Zoning Resolution.
  - j. Any other reasonable condition deemed appropriate by the Zoning Board of Appeals.
  - k. If the foregoing conditions have been violated by the owner thereof, the Conditional Zoning Certificate may be revoked after a hearing by the Zoning Board of Appeals in accordance with the procedures set forth in Section 1002.2.
  - l. A new Conditional Zoning Certificate for a bed and breakfast must be applied for within thirty (30) days after a change of ownership in accordance with this resolution.

402.5 Minimum Lot Area

District	acres
R-5	5

R-3	3

402.6 Minimum Lot Width

A. Minimum Lot Width for R-5 and R-3 Districts

Section 402.6(A) does not apply to lots located on a permanent cul-de-sac road turnaround, see Section 402.6(B). Lots shall have sixty (60) feet minimum frontage as measured at the road right of way line. The following minimum lot width at the building front yard setback line shall be required:

District	feet
R-5	300
R-3	250

B. Minimum Lot Width for lots located on a permanent cul-de-sac road turnaround

Lots located on a permanent cul-de-sac road turnaround shall have sixty (60) feet minimum lot width at the front lot line and shall have the following minimum lot width at the building front yard setback line:

District	feet
R-5	300
R-3	250

402.7 Minimum Yard Setbacks

A. For lots of record three (3) acres or more in area, the minimum yard setbacks for all buildings, accessory buildings, structures, and uses shall be as follows:

1. Front yard:

District	feet
R-5	120
R-3	120

2. Each side yard:

District	feet
R-5	40
R-3	30

## 3. Rear yard:

District	feet
R-5	40
R-3	30

B. For lots of record less than three (3) acres in area, the minimum yard setbacks for all buildings, accessory buildings, structures, and uses shall be as follows in the R-5 and R-3 Districts:

1. Front yard: 120 feet
2. Each side yard: 15 feet
3. Rear yard: 15 feet

#### 402.8 Maximum Height

- A. The maximum height of all buildings, structures, and uses except those listed in paragraph B herein shall be 35 feet or 2.5 stories, whichever is lesser.
- B. Special maximum heights
  1. Belfries, church spires, clock towers, cupolas, chimneys, and flagpoles: no maximum height requirement.
  2. Radio and/or television antennas shall not exceed ten (10) feet in height above the roofline if attached to a building or structure, or forty-five (45) feet if mounted in the ground. Ground mounted dish antennas shall be in the rear yard.
  3. Wind System Devices, HT shall not exceed one-hundred (100) feet. HT shall mean the height of the wind system device measured from its base to its highest point including the blade.
  4. Pursuant to O.R.C. 519.24 and O.R.C. Section 5502.031, an antenna for amateur radio service communications shall be permitted: no maximum height requirement.

#### 402.9 Maximum Lot Coverage

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

#### 402.10 Minimum Floor Area

- A. The minimum floor area per dwelling unit shall be (twelve hundred) 1200 square feet.

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

#### 402.11 Permitted Buildings, Structures, and Uses in Required Yards.

- A. Awnings or canopies over windows and doors
- B. Chimneys
- C. Fences

- D. Flagpoles
- E. Mailboxes and newspaper tubes
- F. Off-street parking spaces in accordance with Article VI
- G. Ornamental and security lighting fixtures
- H. Ponds and dry hydrants
- I. Sanitary and drinking water facilities
- J. Signs in accordance with Article VII.
- K. Student bus shelters
  - 1. The floor area shall not exceed sixteen (16) square feet
  - 2. The height shall not exceed eight (8) feet.
- L. Television, radio, and dish antennas
- M. Wind system devices
- N. Solar system devices
- O. Uncovered porches, patios, and steps

#### 402.12 Manufactured Homes

Manufactured homes shall conform with all of the following regulations

##### A. Regulations for a manufactured home

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

1. Conform to the Federal Manufacturing 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 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. Exclusive of any addition, have a width of not less than 22 feet at one point, a length of not less than 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 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.

#### 402.13

#### Licensed Residential Facilities

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

## 403.0 Commercial/Office and Industrial/Office Districts

### 403.1 Purpose of Districts

#### A. C-O Commercial / Office District

The purpose of the C-O Commercial / Office District is to provide for a variety of business enterprises that afford a mix of commercial goods and services to meet the needs of the residents of both the Township and surrounding area in a safe and efficient manner. It is the intent of this District to provide local employment opportunities and to contribute to the economic base of the Township. It is the further intent of this District to encourage groupings of establishments on unified and properly planned sites with cohesive and complementary design, adequate parking, and controlled vehicular access.

#### B. I-O Industrial / Office District

The purpose of the I-O Industrial / Office District is to provide locations for the development of office, service, limited manufacturing, and other light industrial uses which do not create impacts on adjacent properties or the environment. Uses within I-O Industrial / Office Districts are intended to be compatible with adjacent residential areas, to manage vehicular access so as to minimize negative impacts, to provide employment opportunities, and to contribute to the economic and tax base of the Township. It is the further intent of this District that permitted uses be located on attractive, well designed sites that enhance the visual quality and character of the Township.

## 403.2 Uses

Within Commercial, Office, and Industrial Districts, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the uses as specified in Table 403.2 and as otherwise provided in this Zoning Resolution:

<b>TABLE 403.2 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS</b>		
<b>USE</b> <i>Permitted = P</i> <i>Conditionally Permitted = C</i> <i>Accessory = A</i>	<b>DISTRICT</b>	
	<b>C-O Commercial / Office</b>	<b>I-O Industrial / Office</b>
Offices	P	P
Medical Offices	P	P
Banks and Financial Institutions	P	
Retail Stores Less than 50,000 square feet	P	P
Medical Clinics and Ambulatory Care Facilities	P	P
Personal Services	P	
Preparation and Processing of Food and Drink to be Retailed and Wholesaled	P	P
Business Services	P	P
Drive-in or Drive-Thru Facilities	C	C
Gasoline Service Stations subject to Section 403.13(C)	C	C
Mortuaries; Funeral Homes	P	
Day Care Centers for Children and Adults	P	C
For Profit Schools and Training Facilities	P	P
Hotels and Motels subject to Section 403.13(B)	P	
Printing, Publishing and Copy Service Facilities	P	P
Warehousing and Storage	C	P
Wholesale Operations	C	P
Recreation and Entertainment Facilities	C	C



<b>TABLE 403.2 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS</b>		
<b>USE</b> <i>Permitted = P</i> <i>Conditionally Permitted = C</i> <i>Accessory = A</i>	<b>DISTRICT</b>	
	<b>C-O Commercial / Office</b>	<b>I-O Industrial / Office</b>
Sales, Rental, Service and Repair of Vehicles, Machinery, and Equipment subject to Section 403.13(D)	P	P
Hospitals	P	P
Nursing Homes and Assisted Living Facilities	C	
Veterinary Animal Hospitals/Clinics	P	P
Contracting Firms		P
Research and Testing Facilities		P
Hardware, Building Supply, and Lumber Yards	P	P
Kennels; Animal Shelters; Pet Spa; Pet Salon	C	C
Light Manufacturing, Fabrication, and Assembly subject to Section 403.12		P
Adult Oriented Businesses subject to Section 403.13(A)		C
Health Spas	P	
Exercise/Athletic Facilities	P	P
Solar Energy Panels and Arrays, Subject to Article IV, Section 403.2(J)	A	A
Signs subject to Article VII	A	A
Parking subject to Article VI	A	A
Saw Mills		P
Outdoor Wood-Fired Boilers (in accordance with Section 404.0)	A	A

403.3 Minimum Lot Area, Frontage, Width, and Setbacks; Minimum Off-Street Parking Setbacks; and Maximum Lot Coverage and Building and Structure Height Regulations

The minimum lot area, frontage, width, and setbacks; minimum off-street parking setbacks; and maximum lot coverage and building and structure height regulations in Commercial, Office, and Industrial Districts shall be as provided in Table 403.3 and as otherwise provided in this Zoning Resolution.

<b>TABLE 403.3</b>		
<b>MINIMUM LOT AREA, FRONTAGE, WIDTH, AND SETBACKS; MINIMUM OFF-STREET PARKING SETBACKS; AND MAXIMUM LOT COVERAGE AND BUILDING AND STRUCTURE HEIGHT REGULATIONS</b>		
<b>FOR COMMERCIAL, OFFICE, AND INDUSTRIAL DISTRICTS</b>		
<b>REGULATION</b>	<b>DISTRICT</b>	
	<b>C-O Commercial / Office</b>	<b>I-O Industrial / Office</b>
Minimum Lot Area (acres)	2.0	2.0
Minimum Lot Frontage (feet) (see : sub-paragraph “a” below)	100	100
Minimum Lot Width At Building Front Yard Setback Line (feet)	150	150
Minimum Front Yard Setback (feet from centerline of road right-of-way)	110	80
Minimum Side Yard Setback (feet) Adjacent to Residential District	20 40	20 50
Minimum Rear Yard Setback (feet) Adjacent to Residential District	20 50	20 60
Off-Street Parking Setback (feet)		
Front (from centerline of road right-of-way)	70	70
Rear	30	30
Side	20	20
Adjacent to Residential District	40	50
Maximum Lot Coverage (percentage)	50%	60%
Maximum Building and Structure Height (feet)	45	45

- a. Cul-de-sac Lot Frontage. Notwithstanding other requirements of Table 403.3, a lot shall have a minimum of seventy-five (75) feet of frontage along the arc of a permanent cul-de-sac road right-of-way.

#### 403.4 Not Used [As Amended August 02, 2012]

#### 403.5 Principal Buildings

In C-O Commercial / Office Districts and I-O Industrial / Office Districts, more than one (1) principal building shall be permitted on any one (1) lot or parcel.

#### 403.6 Lots

- A. Every lot shall comply with the minimum required dimensions for lot area, frontage, and lot width as provided in Table 403.3.
- B. Corner Lots.
  1. Corner lots shall have sufficient depth and width to ensure that yards abutting both streets comply with the minimum front yard setback requirements.
  2. On a corner lot nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede the vision of a motorist within the triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way twenty five (25) feet distant from point of intersection right-of-way.

#### 403.7 Transition Buffers

A transition buffer shall be required wherever a Office, Commercial or Industrial District directly abuts any Residential District. Where an Office, Commercial or Industrial District abuts a Residential District but is separated by a road, a transition buffer is not required. Transition buffers shall be installed prior to the occupancy of any permitted or conditionally permitted use and must be maintained at all times in perpetuity in accordance with these provisions. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a transition buffer. Plans for required transition buffers shall be submitted as part of the site plan and shall be reviewed and approved prior to the issuance of any Zoning Permit. Transition buffers shall comply with the following minimum criteria:

- A. The minimum width of a transition buffer shall be as follows:
  - Thirty (30) feet for C-O Commercial / Office Districts, and I-O Industrial / Office Districts.

- B. Each transition buffer shall contain either an earthen mound, masonry wall, or solid fence. The minimum height of said mound, wall or fence shall be six (6) feet. Fences shall be board-on-board or comparable solid type fencing as approved. Fences and walls shall consist of materials that are compatible and consistent with the proposed building facade.
- C. Each transition buffer shall be planted with a mixture of sixty percent (60%) evergreen trees and forty percent (40%) deciduous trees. There shall be a minimum of one (1) tree for each twenty (20) lineal feet of buffer area. Trees shall be a minimum of six (6) feet in height at the time of installation.
- D. A densely planted vegetative buffer may be permitted in lieu of the required fence, wall or mound where there is sufficient evidence provided that the density of plantings and resulting opacity is adequate to provide a comparable year round visual and auditory screening.

403.8 Not Used [As Amended August 02, 2012]

#### 403.9 Landscaping

- A. To promote public health and safety, to protect and preserve the appearance, character and value of adjacent properties all uses within Commercial and Office Districts shall comply with the following landscaping standards:

- 1. Front Yard Requirements

- The following minimum plant materials shall be provided and maintained:

- a. One (1) tree for each fifty (50) linear feet of lot frontage or fraction thereof, not including drive entrances.
      - b. Grass, ground covers or other approved live landscape treatment, excluding paving or gravel.

- 2. Building Foundation

- Landscape plantings shall be provided in a landscape bed which shall be a minimum of four (4) feet wide and shall extend across the entire front façade of each building. Landscape material shall include trees, shrubs, live ground covers and/or lawns in accordance with an approved landscape plan. In lieu of a landscape bed, a four (4) feet wide sidewalk shall be required.

### 3. Parking Lot Landscaping

Parking lots containing fifty (50) or more parking spaces shall be designed and maintained with a minimum of ten (10) square feet of landscaped area for each parking space.

- B. All unpaved areas within Industrial Districts shall have landscaping and grass cover for all areas between the front of the building and the street right-of-way.

## 403.10 Exterior Lighting

### A. General Requirements, all Districts:

1. All new or replacement sources of exterior illumination of a building, structure, or lot shall be shielded so as not to cause direct glare and shall be directed away from 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 initial lumens of two thousand five hundred (2,500) or greater shall be of the full cutoff type.
2. Up-lighting for buildings, structures, and landscaping is not permitted unless utilizing a shielded lighting fixture.
3. Exterior lighted signs shall utilize lighting which shines against the sign so that the light emitted directly from the fixture is not shining/emitted beyond the boundaries of the sign. Sign lighting shall comply with all applicable provisions in this resolution.

### B. Exceptions to 403.10.A

1. Lighting of The United States of America flag is exempt.
2. All exterior lighting fixtures with a combined output of less than two-thousand five hundred (2,500) lumens per fixture.
3. Lighting fixtures producing light directly by the combustion of fossil fuels, such as natural gas, propane or kerosene.
4. Temporary lighting including holiday lighting or emergency lighting.

## 403.11 Outdoor Display and Storage

- A. Outdoor display shall not be located in the required landscaped portion of the front setback, within required side yards, or on required parking spaces.
- B. Outdoor storage shall be located only to the side or rear of the principal building.

- C. Outdoor storage shall be completely screened from view from State Route 87 or White Road by a solid wall or opaque fence.

#### 403.12 Performance Standards

No land or building in any Commercial, Office, or Industrial District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition which may adversely affect the surrounding area or adjoining properties. Uses specifically listed as permitted or conditionally permitted by this Zoning Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements. The Zoning Inspector shall have the authority to investigate complaints relating to alleged non-compliance with these standards, and may take appropriate action as necessary to compel compliance.

##### Fire Hazards

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment as required by safety codes enforced in the Township.

##### Radioactivity

No activity shall emit dangerous radioactivity at any point nor generate radioactive levels outside of the building that exceed current safety standards as established by the State of Ohio or the Code of Federal Regulations.

##### Electrical Disturbance

No activity shall be permitted which produces any electrical or magnetic disturbance that adversely affects public health and safety or the operation of any equipment other than that of the creator of such disturbance including, but not limited to interference with radio, television, or telephone reception from off the premises.

##### Vibration

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

##### Smoke

Smoke emissions shall comply with the standards and regulations enforced by the Ohio Environmental Protection Agency.

### Noise

Sound from any use, operation, or activity shall not exceed a maximum of 55 decibels (dB) measured at the nearest residentially zoned property line or 65 dB measured at the nearest non-residentially zoned property line. Sound levels shall be exceed when any one or more of the following occur:

1. The noise at any one point in time exceeds the established limits by fifteen (15) dB; or
2. The noise exceeds the established limits by ten (10) dB for a cumulative total of one (1) minute out of any ten (10) minutes; or
3. The noise exceeds the established limits by three (3) dB of a period of five (5) minutes.

Emergency warning sirens and related apparatus used solely for public purposes are exempt from this requirement.

### Odors

No malodorous gas or matter shall be permitted which is determined by the Board of Zoning Appeals to be offensive or which causes a public nuisance or hazard on any adjoining lot or property.

### Air Pollution

No pollution of air by fly ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling. All emissions shall comply with the current requirements of the Ohio Environmental Protection Agency.

### Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

### Water Pollution

No pollution of water shall be permitted. All water borne emissions and/or effluents shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.

### Hazardous or Toxic Chemicals or Gases

No chemicals or gases which are a hazard to public health or safety shall be allowed except in compliance with local, state, and federal standards and regulations.

## 403.13 Conditional Buildings, Structures and Uses

### A. Adult Oriented Businesses

#### 1. Purpose and Intent.

It is the purpose of these provisions to regulate Adult Oriented Businesses in order to promote health and safety, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of such businesses within the Township based upon reliable evidence concerning the adverse secondary effects of Adult Oriented Businesses on other communities. These regulations are not intended to restrict the content of materials, to deny access to sexually oriented materials, or deny appropriate market locations to distributors and/or exhibitors.

#### 2. Permitted Locations.

Adult Oriented Businesses may be located in the I-O Industrial / Office District subject to the following restrictions and limitations. For purposes of complying with this Section, measurements shall be made in a straight line from the nearest edge or portion of the building containing, or proposed to contain, the Adult Oriented Business, to the nearest property line of the premises of the use, or uses, listed herein, without regard to paths of travel or intervening structures or obstructions.

- a. No Adult Oriented Business shall be established within one thousand (1000) feet of a church, synagogue, temple, or other place used primarily for religious worship;
- b. No Adult Oriented Business shall be established within one thousand (1000) feet of a public or private educational facility, including but not limited to nursery schools, preschools, kindergartens, elementary schools, middle schools, high schools, vocational schools, special education facilities, and colleges.
- c. No Adult Oriented Business shall be established within one thousand (1000) feet of a public park or recreation area, publicly owned open space, teen or youth center, or private recreation facility regularly used for community or public sponsored recreation activities.
- d. No Adult Oriented Business shall be established within one thousand (1000) feet of another Adult Oriented Business.



3. Product and Activity Displays.  
All activities associated with an Adult Oriented Business shall be conducted entirely within a completely enclosed building. No products, merchandise, displays, or activities shall be placed or conducted outside of the building or in such a manner as to be visible from off the premises.

#### B. Hotels and Motels

Each living unit shall have a minimum floor area of two hundred (200) square feet.

#### C. Gasoline Service Stations

1. All fuel storage tanks shall be completely underground.
2. Pumps shall be a minimum of 110 feet from the centerline of the right-of-way.
3. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
4. All storage of supplies shall be within completely enclosed buildings during non-business hours.
5. No vehicle shall be stored more than thirty (30) consecutive days in a location which is visible from either an adjacent property or a public right-of-way.

#### D. Sales, Rental, Service & Repair of Vehicles, Machinery, & Equipment

1. No vehicle shall be parked for display within seventy (70) feet of the centerline of the roadway and twenty (20) feet from side and rear lot lines.
2. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
3. All storage of supplies shall be within completely enclosed buildings.

### 404.0 Outdoor Wood-Fired Boilers (OWB)

#### 404.1 Definitions

- A. "Chimney" means a flue that carries off exhaust from an OWB firebox or burn chamber.
- B. "Natural wood" means natural seasoned hardwood and shall not include any wood that has been pressure treated, painted, varnished

or coated with a similar material, and shall not contain resins or glues found within plywood or composite wood products.

- C. "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 (USEPA) Outdoor Wood-fired Hydronic Heater (OWHH) Phase 2 Program qualified model that is in compliance with the USEPA OWHH Phase 2 emission level and has the proper qualifying label and hangtag or any subsequent USEPA qualified model that is in compliance with the most current USEPA emission level and as further set forth in the New Source Performance Standards (NSPS).

#### 404.2 OWB Regulations

An OWB shall be permitted in all zoning districts upon receiving a zoning certificate issued by the Zoning Inspector and shall be subject to the following regulations:

- A. Accessory structure: An OWB is classified as an accessory structure and shall adhere to all applicable requirements in this resolution for accessory structures. The application for a zoning certificate shall include a copy of the owner's manual, manufacturer's installation instructions, and such other information as may be necessary so as to ensure compliance with this resolution.
- B. Number per lot: There shall be no more than one (1) OWB on a lot.
- C. Minimum setback from a building, structure or use: An OWB shall be setback per manufacturer's specifications from any building, structure or use to which it is connected.
- D. Location and minimum yards (setbacks): An OWB shall be located on a lot per Section 401.1 and in accordance with the minimum yards for the zoning district in which it is located. Further, the OWB shall be placed on the lot in compliance with all manufacturer's recommendations including testing and listing requirements for clearance to combustible materials.
- E. Chimney height: The height of an OWB chimney and its installation shall be per manufacturer's specifications.

- F. Spark arrestor: An OWB shall have a spark arrestor securely attached to the chimney to prevent the passage of sparks and ashes to the outside atmosphere per manufacturer's specifications.
- G. Base: An OWB shall be installed on a concrete pad with a minimum thickness of four (4) inches or on such other materials per manufacturer's specifications.
- H. Other codes: An OWB shall be in compliance with all applicable county building codes, fire codes, and such other relevant codes, including but not limited to, UL and ANSI. An OWB shall be constructed, established, installed, operated and maintained in conformity with the manufacturer's instructions and requirements and the regulations herein.
- I. Fuel: The fuel used in an OWB shall only be natural seasoned hardwood, wood pellets, shelled corn products, biomass pellets or such other listed fuels specifically permitted by the manufacturer's instructions. Burning any other material, including but not limited to rubbish, garbage, food waste, shingles, demolition debris, waste oil, asphalt products, treated or painted wood including plywood or composite wood products, plastic, synthetic fabrics, and rubber shall be prohibited.
- J. Discontinuance of use: An OWB shall be completely removed and the affected area on the lot shall be fully restored to its preconstruction condition within 180 days from voluntary permanent discontinuance of use.

**END OF ARTICLE IV**

**ARTICLE X****ADMINISTRATION**

## Section

1000.0 Township Zoning Inspector

1000.1 Position of Township Zoning Inspector Established

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

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

1000.2 Zoning Inspector's Bond

The township zoning inspector, before entering upon the duties of his/her office, shall give bond in accordance with the ~~Ohio Revised Code~~ O.R.C.

1000.3 Duties of Township Zoning Inspector

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

- A. Provide applications for zoning certificates to those persons who wish to apply for a zoning certificate.
- B. Receive and act upon applications for zoning certificates in accordance with sections 1100.3 and 1100.4.
- C. Issue zoning certificates as permitted by the terms of this resolution.
- D. Revoke zoning certificates as permitted by the terms of this resolution.
- E. Receive and act upon complaints regarding violations of this resolution in accordance with section 1101.0.

- F. Make inspections as required to fulfill his/her duties.
- G. Upon finding that any provision of this resolution is being violated, he/she shall notify, in writing, the person responsible for such violation, ordering the action to correct such violation.
- H. Take any other action authorized by this resolution or by law to ensure compliance with or to prevent violations of this resolution.
- I. Safely keep an official record of all actions taken in fulfillment of the duties imposed on him/her by this zoning resolution; and, safely keep all documents including applications, complaints, zoning certificates, reports and inspections which are received, issued or made in connection with his/her duties as zoning inspector. All such records and documents shall be 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.O.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.O.R.C. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the township zoning inspector.
- K. Upon receipt of a notice of appeal to the board of zoning appeals, the zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- L. Safely keep and deposit all fees and monies received by him/her with the township Fiscal Officer within twenty-four (24) consecutive hours of receipt pursuant to R.C.O.R.C. 117.17.
- M. Review proposed preliminary major subdivision plats and final major subdivision plats pursuant to R.C.O.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 of record 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

1001.1 Township Zoning Commission Created

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

- A. ZONING COMMISSION –The Township Trustees shall appoint five (5) residents of the township to be regular members of the Zoning Commission. The term of the regular members shall be so arranged that the term of one member shall expire on December 31 of every year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission may be removed for nonperformance of duty, or misconduct in office, upon written charges has been filed with the Township Trustees, and after a copy of the charges has been served by registered mail. The member shall be given an opportunity to be heard and answer such charges, and after a public hearing has been held regarding such charges. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term.
- B. After review and recommendation of candidates by the standing Zoning Commission Members, the Township Board of Trustees may at their discretion appoint two (2) additional residents of the Township to serve as alternate members to be established by the Board of Trustees. The two (2) alternate members shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the Zoning Commission. When filling vacancies created by an absent regular member, the alternate member shall be subject to all responsibilities and privileges of a regular member under the by-laws of the Zoning Commission. Alternate members of the Zoning Commission are expected to attend all meetings of the Zoning Commission even when they are not filling a vacancy. At such times their status as an active or inactive alternate member shall be announced at the start of meeting to all attending.
- C. The terms of the alternate members shall be staggered and so arranged that the term of one member shall expire on December 31 of every year. Each alternate shall serve until his successor is appointed and qualified unless the position of the alternate is abolished by the Township Board of Trustees. The position of alternate member may be abolished at any time at the pleasure and discretion of the Township Board of Trustees. An alternate member shall be removed for nonperformance of duty, or misconduct in office, by the Township Board of Trustees upon the same procedure as is applicable to regular

members of the Zoning Commission. If alternate positions are abolished current alternate appointees shall fulfill their term.

1001.2 Recommendations of Township Zoning Commission; Organization, Powers and compensation of Commission.

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

1002.0 Township Board of Zoning Appeals

1002.1 Township Board of Zoning Appeals Created

- A. Pursuant to R.C.O.R.C. 519.13, the board of township trustees shall appoint a township board of zoning appeals for said township, composed of five (5) members who shall be residents of the unincorporated territory in the township included in the area zoned.
- B. The terms of all members of said board of zoning appeals, shall be of such length and so arranged that the term of one (1) member will expire each year.
- C. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide.

- D. BOARD OF ZONING APPEALS –Members of the Board of Zoning Appeals may be removed for nonperformance of duty, or misconduct in office, upon written charges being filed with the Township Trustees, and after a copy of the charges has been served by registered mail. The member shall be given an opportunity to be heard and answer such charges, and after a public hearing has been held regarding such charges. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term.
- E. After review and recommendation of candidates by the standing Zoning Board of Appeals Members, the Township Board of Trustees may at their discretion appoint two (2) additional residents of the Township to serve as alternate members in accordance with the policies and terms to be established by the Board of Trustees. The two (2) alternate members shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the Board of Zoning Appeals. When filling vacancies created by an absent regular member, the alternate member shall be subject to all responsibilities and privileges of a regular member under the by-laws of the Board of Zoning Appeals. Alternate members of the Board of Zoning Appeals, even when they are not filling a vacancy, are expected to attend all meetings of the Board of Zoning Appeals. At such times their status as an active or inactive alternate member shall be announced at the start of the meeting to all attending.
- F. The terms of the alternate members shall be staggered and so arranged that the term of one member shall expire on December 31 of every year. Each alternate shall serve until his successor is appointed and qualified unless the position of the alternate is abolished by the Township Board of Trustees. The position of alternate member may be abolished at any time at the pleasure and discretion of the Township Board of Trustees. An alternate member shall be removed for nonperformance of duty, or misconduct in office, by the Township Board of Trustees upon the same procedure as is applicable to regular members of the Board of Zoning Appeals. If alternate positions are abolished, current alternate appointee shall fulfill their term.
- G. The board of zoning appeals may, within the limits of the moneys appropriated by the board of township trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.



1002.2 Powers of Township Board of Zoning Appeals  
The township board of zoning appeals may:

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

The township board of zoning appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under this section and of his right to a hearing before the township board of zoning appeals, within thirty (30) days of the mailing of this notice, if he so requests. If the holder requests a hearing, the township board of zoning appeals shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the township board of zoning appeals may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

- E. Revoke an authorized conditional zoning certificate in accordance with sections 504.0 and 504.1 of 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.

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

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

### 1002.4 Procedures of Board of Zoning Appeals

- A. Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the zoning inspector. Such appeal shall be 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/her authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language:

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

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

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

- h. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
  - i. The name and location of the existing road(s), public and private, adjacent to the lot.
  - j. The number of dwelling units existing (if any) and proposed for the lot.
  - k. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
  - l. For commercial and industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
  - m. The location and dimensions (in feet) of any existing or proposed easements on the lot.
  - n. The location and description of existing and proposed landscaping and buffer areas on the lot.
  - o. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
  - p. For commercial and industrial uses: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
  - q. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
  - r. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
11. The number of the application for the zoning certificate.
12. All notices of appeal for signs shall include, at a minimum, the following information:
- a. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date, showing:
    - 1. The dimensions (in feet) of the sign.
    - 2. The area of the sign in square feet.
    - 3. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.
    - 4. The height (in feet) of the sign.
    - 5. The method of illumination, if any.
    - 6. The content of the sign.
    - 7. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo).

13. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his authorized representative relative to the alleged error made by the zoning inspector in his determination of the application for the zoning certificate.
14. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
15. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
16. 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.
17. For notices of appeal requesting a variance, the appellant or his/her authorized representative shall provide the following:
  - a. A statement relative to the exact nature of the variance requested.
  - b. The specific zoning regulation(s) shall be cited from which a variance is requested.
  - c. Written justification for a variance shall be made by the appellant and the board of zoning appeals shall determine if the proposed variance involves an "area" variance or a "use" variance.
    1. Standards for an "area" variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following:
      - a. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the 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 lot with the knowledge of the zoning restriction.

- f. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance.
  - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
2. Standards for a "use" variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following:
- a. The variance requested stems from a condition which is unique to the lot at issue and not ordinarily found in the same zone or district;
  - b. The hardship condition is not created by actions of applicant;
  - c. The granting of the variance will not adversely affect the rights of adjacent owners;
  - d. The granting of the variance will not adversely affect the public health, safety or general welfare;
  - e. The variance will be consistent with the general spirit and intent of the zoning resolution;
  - f. The variance sought is the minimum which will afford relief to the applicant; and
  - g. There is no other economically viable use which is permitted in the zoning district.
18. The appeal fee shall be provided with the notice of appeal.
- C. The board of zoning appeals shall fix a reasonable time for ~~public~~ **public hearing on the appeal which shall commence not later than sixty (60) days** from the date the notice of appeal has been filed with the board. The public hearing on the appeal may be continued from day to day for good cause shown. The board of zoning appeals shall give at least ten (10) days notice in writing to the parties in interest. Give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Notice of any continued public hearing shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.

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

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

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

1. All decisions shall include conclusions of fact of the board in support of the decision.
2. A decision of the board and the adoption of conclusions of fact shall be made at a public meeting of the board. The decision and the conclusions of fact of the board shall be in writing and signed at a public meeting of the board by all members voting affirmatively thereon no later than thirty (30) days from the last date of public hearing.
3. The original written decision and conclusions of fact of the board of zoning appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by

the board of zoning appeals with the township clerk within five (5) days of the signing of the written decision and conclusions of fact by the board of zoning appeals.

4. Copies of the written and signed decision of the board of zoning appeals shall be sent by ordinary mail, within two (2) days of the signing of the written decision, to the township zoning inspector 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.O.R.C.~~ 2505.07 for purposes of appeal to the court of common pleas pursuant to ~~R.C.O.R.C.~~ Chapter 2506.

#### 1002.5 Supplementary Conditions on Variances

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

**END OF ARTICLE X**