



***Thompson Township***

***Zoning Resolution***

**Thompson Township  
Geauga County, Ohio  
Zoning Resolution**

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*As Amended to Effective January 6, 2017*

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## ARTICLE I

### GENERAL PROVISIONS

Section

100.0 Title

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

102.0 Purpose of Zoning Resolution

Pursuant to O.R.C. 519.02, this resolution has been enacted in the interest of the public health, safety, convenience, comfort, prosperity, or 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 systems, and other matters related to public health and safety are adequately addressed to serve such uses.
- F. To conserve and protect the natural resources of the township, including the supply of groundwater.
- G. To ensure that development is in accord with the capability and suitability of the land to support it.
- H. To provide regulations that advance balanced and orderly growth and development in the township as well as preserve sensitive environmental

resources.

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. See Article XVII.
- B. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to O.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.
- C. This resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted by this resolution.
- D. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. See Article XVII.
- E. This resolution does not apply with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901., 4903., 4905., 4909., 4921., and 4923. of the Revised Code.

- F. This resolution does not apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for that purpose, having wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) megawatts or more.
- G. Pursuant to O.R.C. Section 5502.031, this resolution does not preclude amateur radio service communications and does not restrict the height or location of amateur station antenna structures in such a way as to prevent effective amateur radio service communications and shall comply with 47 C.F.R. 97.15.

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

The board of township trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, conditional zoning certificates, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the zoning inspector and township fiscal officer, and may be altered or amended only by resolution of the board of township trustees.

Each application for a zoning certificate, amendment, or conditional zoning certificate and notice of appeal shall be accompanied by the fee so established.

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

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

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

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

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

If any day designated in O.R.C. 1.14 as a legal holiday falls 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.

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

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

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

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

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

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

“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.

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

“Board of zoning appeals” means the board of zoning appeals of the township.

“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 to the highest point of the building or structure.

“Building line” see setback line.

“Cemetery” means real property used for the interment of human remains



including any one (1) or a combination of more than one (1) of the following: a burial ground containing plots designed for earth interments or inurnments, a mausoleum for crypt entombments, or a columbarium for the deposit of cremated remains.

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

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

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

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

“Conditional use” means a use within a zoning district other than a permitted use requiring approval by the township board of zoning appeals and the issuance of a conditional zoning certificate.

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

“County” means Geauga County, Ohio

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

“Deck” means a structure 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.

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

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

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

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

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

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

“Dwelling, two family” means a dwelling consisting of two (2) dwelling units to be occupied by two (2) families only.

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

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

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

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

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

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

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

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

“Fiscal officer” means the fiscal officer of the township.

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

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

“Foster home” means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four (24) hours a day and as defined in O.R.C. Section 5103.02(D).

“Frontage” see lot line, front.

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

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

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

“Hazardous waste” means substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which can not be handled by routine waste management techniques.

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

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

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

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

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

“Junk” means 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:

1. Three years old or older;
2. Apparently inoperable;
3. Extensively damaged, including but not limited to, any of the following: missing wheels, tires, engine, or transmission.

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

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

“Landscaping” means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover; and, may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, reflective pools, and fountains. Landscaping may also include other supportive elements such as irrigation systems, ponds, watercourses, mulch, topsoil, pavers, and decorative rock; and, the preservation, protection, or replacement of existing wetlands, trees, shrubs, and similar living plant material.

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

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

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

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

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

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

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

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

“Frontage” means the distance between the side lot lines measured at the front lot line.

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

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

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

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

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

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

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

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

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

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

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

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

“Mobile home” means a building unit or assembly of closed construction as defined in O.R.C. Section 4501.01(O), and designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700 (42) U.S.C.A. 5401, 5403 as amended. A “mobile home” does not mean an “industrialized unit”, “manufactured home” or “recreational vehicle” as defined in this resolution. A building or nonself-propelled vehicle is a “mobile home” whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

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

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

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

“Nursing home” means a home as defined in O.R.C. Section 3721.01(A)(6), 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 care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.

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

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

“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 for 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 or an outdoor wood-fired 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.

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

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

“Patio” means a structure used for outdoor dining or recreation consisting of asphalt, concrete, pavers, stone or gravel with or without a roof that is attached or is directly adjacent to a building.

“Personal care services” mean services as defined in O.R.C. Section 3721.01(A)(5)(a) including, but not limited to, the following:

- (a) Assisting residents with activities of daily living;
- (b) Assisting residents with self-administration of medication, in accordance with rules adopted under O.R.C. Section 3721.04;
- (c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or licensed dietician, in accordance with rules adopted under O.R.C. Section 3721.04.

“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).

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

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

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

“Public road” means a road right-of-way for public use as defined in O.R.C. Section 5535.01 and the Geauga County Subdivision Regulations and accepted

for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

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

A. Public Service

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

B. Public Concern

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

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

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

“Residential care facility” means a home as defined in O.R.C. 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 or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;
- (b) Accommodations for three (3) or more unrelated individuals, supervision and personal care service 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 of those individuals, any of the skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code.

“Residential facility” means a licensed residential facility as defined in O.R.C. 5123.19(A)(5)(a).

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

“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.

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

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

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

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

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

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

“Sewage system, on-site” means a septic tank or similar installation on an individual lot which provides for the treatment of sewage and disposal of the

effluent subject to the approval of health and sanitation agencies or departments having jurisdiction.

“Sewers, central” means a sewage disposal system which provides a collection network and central treatment facility for more than one 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.

“Site” see “lot.”

“Skilled nursing care” means procedures as defined in O.R.C. Section 3721.01(A)(4), not including “personal care services” as defined in this resolution, that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. “Skilled nursing care” includes, but is not limited to, the following:

- (a) Irrigations, catheterizations, application of dressings, and supervision of special diets;
- (b) Objective observation of changes in the patient’s condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;
- (c) Special procedures contributing to rehabilitation;
- (d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;
- (e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

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

“Solar panel” see Article VIII, Section 800.1.

“Solar panel array” see Article VIII, Section 800.1.

“Solar panel, freestanding” see Article VIII, Section 800.1.

“Solar panel, roof mounted” see Article VIII, Section 800.1.

“Stealth facility” means any communications facility which is designed to blend in with the surrounding environment. Such facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

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

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

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

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

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

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

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

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

“Tower” means a structure that is mounted in the ground or affixed to a building or other structure that is used for transmitting or receiving television, radio, telephone or other communications.

“Township” means Thompson Township, Geauga County, Ohio

“Trustees” means the board of trustees of the township.

“Type B family day-care home” and “Type B home” mean a permanent

residence of the provider in which child care is provided for one (1) to six (6) children at one 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 (UU). In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp as defined in O.R.C. Section 5104.01(I).

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

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

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

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

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

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

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

"Wind turbine" see Article VIII, Section 801.1.

"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 line on both sides of a building or structure between the lines establishing the front and rear yards.

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

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

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

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

## ARTICLE III

### ZONING DISTRICTS AND OFFICIAL TOWNSHIP ZONING MAP

#### Section

#### 300.0 Zoning Districts

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

- A. R-3: Residential
- B. R-5: Residential
- C. C: Commercial
- D. I: Industrial
- E. CMR: Critical Mineral Resource
- F. PR: Public Recreation

#### 301.0 Official Township Zoning Map

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

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

A copy of the most current version of the adopted official township zoning map is shown on Page III-3.

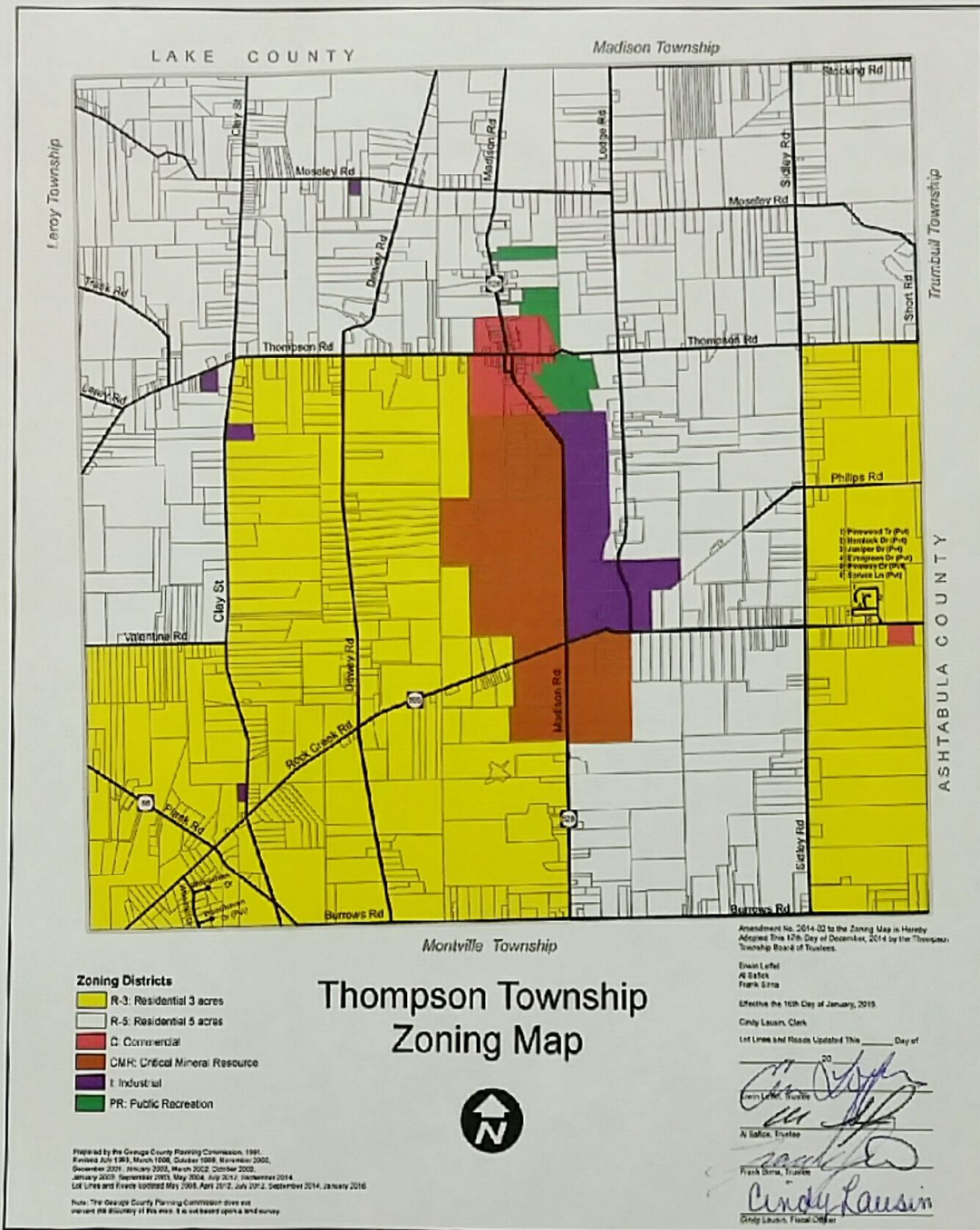
#### 301.1 Location of the Official Township Zoning Map

The official township zoning map shall be located in the office of the township fiscal officer, who shall be responsible for its custody and safe-keeping, and shall not be removed therefrom except by township officials for the purpose of conducting township business.

#### 301.2 Amendments to the Official Township Zoning Map

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

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





**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 X.
- B. Automotive wrecking shall be prohibited.
- C. Drag strips or race tracks shall be prohibited.
- D. Hazardous waste as defined in O.A.C. 3745-51-03 and O.R.C. Section 3734.01(J) storage, incineration or burial shall be prohibited.
- E. The storage of junk vehicles, including unlicensed collector's vehicles as defined in O.R.C. Section 450.1(F), outside of a fully enclosed building shall be prohibited.
- F. Junk yards and the storage or burial of junk shall be prohibited. Junk yards which exist as a lawful use prior to the effective date of this resolution shall be required to erect a fence of no less than eight (8) feet in height which shall completely enclose all areas of real property used for the storage of junk. Such fence shall be of an opaque material and permanently affixed to the ground and constructed in accordance with Section 402.13, paragraph E of this resolution.
- G. Landfills, 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.

- H. Lighting fixtures and devices from which direct glare is visible on adjoining roads or lots shall be prohibited. Flashing lights shall be prohibited.
- I. Mobile homes shall be prohibited.
- J. 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, and railroad cars as a storage building or structure shall be prohibited.
- K. Manufactured home parks shall be prohibited.
- L. The storage, incineration or burial of infectious waste as defined in O.A.C. 3745-27-01(I)(6) and O.R.C. Section 3734.01(R) shall be prohibited.
- M. 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.
- N. Small Wind Farms (SWF) shall be prohibited.
- O. Any wholesale or retail sales of goods, products, merchandise, or services from vehicles or within a public road right-of-way shall be prohibited.
- P. Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21.

402.0 R- 3: Residential District

402.1 Permitted Principal Buildings, Structures, and Uses

Residential facilities subject to the regulations set forth in Section 402.17

Agriculture in accordance with Article XVII

Certified foster homes

Churches

Governmental offices

Libraries

Police and fire stations

Schools

Single family detached dwellings, including industrialized units and manufactured homes subject to the regulations set forth in Section 402.14.

There shall be no more than (1) single family detached dwelling on a lot.

Single family earth sheltered dwellings

Type B family day-care homes and Type B homes

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

- A. Wind energy conversion systems, in accordance with Article VIII, Section 801.2.
- B. Farm markets in accordance with Article XVII, Section 1702.0.
- C. Off-road parking and loading/unloading spaces in accordance with Article VI.
- D. Private garages designed and used for the storage of vehicles owned and/or operated by the owner or lessee of the principal building or structure on a lot.
- E. Radio, television or satellite dish antennas in accordance with Section 402.8. No zoning certificate shall be required for a satellite dish antenna that is 3.3 feet (one meter) or less in diameter in any residential zone or 6.6 feet (2 meters) or less in diameter in any commercial or industrial zone. No zoning certificate shall be required for a roof mounted mast radio or television antenna. Pursuant to O.R.C. Section 519.214 and O.R.C. Section 5502.031, an antenna for amateur radio service communications shall be permitted and shall be setback a minimum distance equal to 1.1 times its total height measured from all lot lines. An antenna for amateur radio service communications shall not be located in any front yard or in front of any principal building on a lot.
- F. Signs in accordance with Article VII.
- G. Storage buildings used for keeping tools, supplies, equipment, and other personal property owned by the owner or lessee of the principal building or structure on a lot. Storage buildings shall not be located in front of the principal building or dwelling on a lot.
- H. Swimming pools, exclusive of portable swimming pools with a diameter less than eight (8) feet or with an area of less than fifty (50) square feet, in accordance with the following regulations:
  - 1. A swimming pool shall be used solely for the enjoyment of the occupants of the principal use, or their guests, of the property on which it is located.
  - 2. A swimming pool shall not be located closer than twenty-five (25) feet to any property line.
  - 3. An outdoor swimming pool shall be completely enclosed by a fence with a latchable gate at least six (6) feet in height, not less than three (3) feet from the perimeter of the pool.

- I. Porches, decks, patios, and steps with or without a roof.
- J. Roof mounted and freestanding solar panels and solar panel arrays in accordance with Article VIII, Section 800.2.
- K. Outdoor wood fired boilers in accordance with the following regulation:  
  
Outdoor wood fired boilers shall not be located in the front yard setback or in front of the principal building.
- L. Pavilions and gazebos.

402.3 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. Home occupations shall be limited to the following:
  - a. Beauty parlors and barber shops
  - b. Professional offices of: accountants, attorneys, bookkeepers, computer programmers, dentists, engineers, insurance agents, optometrists, physicians, real estate agents, surveyors, and veterinarians.
  - c. Tutoring limited to two (2) pupils per session.
- 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. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five percent (25%) of the total usable floor area of a dwelling unit, not to exceed five hundred (500) square feet, shall be used in the conduct of a home occupation. Usable floor area of a dwelling unit shall be determined by measuring its interior dimensions, in accordance with Section 402.11.
  - c. 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.

- d. One (1) off-road parking space shall be provided per two hundred fifty (250) square feet of usable floor area for each home occupation. In addition, one (1) off-road parking space shall be provided for each employee. Each parking space shall be a minimum of two hundred (200) square feet in area and shall not be located in any required front yard area.
- e. The minimum width of a driveway for ingress and egress to a home occupation shall be twenty (20) feet. Such driveway shall be constructed with an all-weather surface.
- f. The dwelling unit in which a home occupation is conducted shall conform with all of the regulations for the zoning district in which it is located.
- g. No more than five (5) persons, other than the occupants of the premises, may be employed or engaged in a home occupation.
- h. No home occupation may be established unless the person conducting the home occupation resides on the premises and is the owner or lessee. If a lessee, a copy of the executed lease shall be provided with an application for a zoning certificate; and, written documentation (signed and dated) shall be submitted from the owner that he is aware of, and consents to, the home occupation.
- i. Articles offered for sale on the premises shall be limited to those produced in the dwelling unit.
- j. Exterior storage of materials, products, merchandise, vehicles, and/or equipment relating to the home occupation is prohibited.
- k. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system for the affected lot.
- l. A home occupation shall be in compliance with applicable fire and building codes.

#### B. Golf Clubs

- 1. Principal buildings, structures, and uses limited to the following:
  - a. Club houses
  - b. Golf courses
  - c. Restaurants serving club patrons
  - d. Sales of supplies to club patrons

2. Accessory buildings, structures, and uses (which are on the same lot with and incidental or subordinate to the principal building, structure, or use)
  - a. Offices for employees
  - b. Sanitary sewage treatment and drinking water facilities
  - c. Storage buildings
3. Conditions for golf clubs
  - a. The minimum lot area shall be fifty (50) contiguous acres under common ownership.
  - b. Buildings, structures, and uses shall be a minimum of one hundred (100) feet from the right-of-way margin of any public road and one hundred (100) feet from any lot line.
  - c. The maximum height of buildings and structures shall be in accordance with Section 402.8.
  - d. The maximum lot coverage for buildings and structures, including off-road parking spaces and driveways, shall be forty percent (40%).
  - e. The minimum floor area of any principal building or structure shall be five hundred (500) square feet. No minimum floor area shall be required for any accessory building.
  - f. The minimum width of any driveway for ingress and egress shall be twenty (20) feet and such driveway shall be constructed of a suitable all-weather surface. Adequate space shall be provided for a turnaround for firefighting apparatus and emergency vehicles.
  - g. Equipment storage shall be a minimum of one hundred (100) feet from the right-of-way of any public road and one hundred (100) feet from any lot line.
  - h. Off-road parking shall be in accordance with Article VI.
  - i. Signs shall be in accordance with Article VII.
  - j. Written documentation shall be provided that the appropriate governmental agency has approved the water and sewage treatment systems.

402.4 Minimum Lot Area

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

402.5 Minimum Lot Frontage

The minimum lot frontage shall be two hundred (200) feet. The minimum lot frontage for a lot located on the arc of a permanent cul-de-sac shall be sixty (60) feet.

402.6 Minimum Lot Width

The minimum lot width shall be two hundred (200) feet.

402.7 Minimum Yards

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

1. Front yard: 100 feet from the road right-of-way.
2. Each side yard: 25 feet
3. Rear yard: 25 feet

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

1. Front yard: 100 feet from the road right-of-way.
2. Each side yard: 15 feet
3. Rear yard: 10 feet

C. Minimum Side Yard for Corner Lots

1. On a corner lot the principal building and its accessory buildings or structures shall be required to have the same side yard from all road right-of-way lines as is required for the front yard.

402.8 Maximum Height

A. The maximum height of all buildings, structures, and uses except those listed in paragraph B herein shall be thirty-five (35) feet or two and one-half (2 .5) stories, whichever is less.

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 roof line if attached to a building or structure, or forty-five (45)

feet if mounted in the ground. Dish antennas shall be in the rear yard, shall have a maximum diameter of twenty-five (25) feet, and shall not exceed thirty (30) feet in height provided, however, an antenna for amateur radio service communications shall not have a maximum height requirement. See also Section 402.2(E).

3. Wind energy conversion systems in accordance with Article VIII, Section 801.2.
4. Telecommunications towers and appurtenances shall not exceed the maximum height set forth in Article XIII of this resolution.
5. Fences and walls shall not exceed four (4) feet in height in any front yard and eight (8) feet in height in any side or rear yard, except as otherwise provided herein.

402.9 Maximum Lot Coverage

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

402.10 Maximum Number of Dwellings per Lot

There shall be no more than one (1) single family detached dwelling on a lot.

402.11 Minimum Floor Area

- A. The minimum floor area for a principal building or structure, except as otherwise provided herein, shall be one thousand (1,000) square feet.
- B. There shall be no minimum floor area requirement for an accessory building or structure.

402.12 Minimum Floor Area per Dwelling

- A. The minimum floor area for a single family dwelling shall be one thousand (1,000) square feet.

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

402.13 Permitted Buildings, Structures, and Uses in Required Yards

The following buildings, structures, and uses shall be permitted in the minimum yards set forth in this resolution without a zoning certificate, unless otherwise indicated.

- A. Awnings or canopies over windows and doors, provided no signage is located thereon



- B. Chimneys
- C. Clotheslines and support poles
- D. Driveways, in accordance with Article VI, Section 606.0
- E. Fences and walls, zoning certificate required
  1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
  2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
  3. Fences and walls shall not be unsafe or be in danger of falling.
- F. Flagpoles provided the flagpole is setback a minimum of 1.1 times its height measured from its base to all lot lines.
- G. Mailboxes and newspaper tubes
- H. Ornamental and security lighting fixtures. See Section 402.16 for exterior light poles.
- I. Ponds, fire protection ponds in accordance with Section 402.17, and stormwater retention or detention facilities in accordance with Article XVI.
- J. On-site sanitary sewage treatment and water well systems
- K. Signs in accordance with Article VII, zoning certificate required
- L. Student bus shelters with a maximum floor area of ten (10) square feet.
- M. Swing sets and related recreational equipment
- N. Walkways, trails and sidewalks
- O. Landscaping features, including earthen mounds and retaining walls
- P. Utility sheds for the storage of tools, equipment, and personal property of the owner or lessee of the lot that are two hundred (200) square feet or less in floor area. A utility shed shall not be located in front of the principal building or dwelling on a lot.

402.14 Manufactured Homes

Manufactured homes shall conform with all of the following regulations.

- A. 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 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, 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 six (6) inch eaves overhang, including appropriate guttering; and
  - 5. Be permanently installed upon and properly attached to a continuous perimeter foundation that meets the manufacture'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:
  - 1. 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.

402.15 Licensed Residential Facilities [O.R.C. 5119.34(B)(1)(b) and 5123.19(A)(5)(a)]

- A. Regulations for a 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. 5119.341(A) and 5123.19(M) respectively shall include the following:
  - 1. The area, height, and yard requirements for the residential zoning district in which the licensed residential facility is located shall be met.
  - 2. Proof of compliance with applicable state regulations regarding licensing of the residential facility shall be provided to the zoning inspector.
  - 3. There shall be no more than one (1) detached licensed residential facility on a lot.

402.16 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. Light fixtures and poles shall be setback a minimum of 1.1 times its height measured from the base of the pole to all lot lines.

402.17 Fire Protection Ponds

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

403.0 R-5: Residential District

403.1 Permitted Principal Buildings, Structures, and Uses

All of the principal buildings, structures, and uses permitted in the R-3: Residential District (Section 402.1).

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

All of the accessory buildings, structures, and uses permitted in the R-3: Residential District (Section 402.2).

403.3 Conditional Buildings, Structures, and Uses

All of the conditional buildings, structures, and uses permitted in the R-3: Residential District (Section 402.3).

403.4 Minimum Lot Area

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

403.5 Minimum Lot Frontage

The minimum lot frontage shall be three hundred (300) feet. The minimum lot frontage for a lot located on the arc of a permanent cul-de-sac shall be sixty (60) feet.

403.6 Minimum Lot Width

The minimum lot width shall be three hundred (300) feet.

403.7 Minimum Yards

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

1. Front yard: 100 feet from the road right-of-way
2. Each side yard: 30 feet
3. Rear yard: 30 feet

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

1. Front yard: 100 feet from the road right-of-way
2. Each side yard: 20 feet
3. Rear yard: 15 feet

C. Minimum side yard for corner lots

1. On a corner lot the principal building and its accessory buildings shall be required to have the same side yard from all road right-of-way lines as is required for the front yard.

403.8 Maximum Height

Same as Section 402.8.

403.9 Maximum Lot Coverage

Same as Section 402.9.

403.10 Maximum Number of Dwellings per Lot

Same as Section 402.10.

403.11 Minimum Floor Area

- Same as Section 402.11.
- 403.12 Minimum Floor Area per Dwelling  
Same as Section 402.12.
- 403.13 Permitted Buildings, Structures, and Uses in Required Yards  
Same as Section 402.13.
- 403.14 Manufactured Homes  
Same as Section 402.14.
- 403.15 Licensed Residential Facilities [O.R.C. 5119.34(B)(1)(b) and 5123.19(A)(5)(a)]
- A. Regulations for a 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. 5119.341(A) and 5123.19(M) respectively shall include the following:
1. The area, height, and yard requirements for the residential zoning district in which the licensed residential facility is located shall be met.
  2. Proof of compliance with applicable state regulations regarding licensing of the residential facility shall be provided to the zoning inspector.
  3. There shall be no more than one (1) detached licensed residential facility on a lot.
- 403.16 Exterior Lighting  
See Section 402.16.
- 403.17 Fire Protection Ponds  
Fire protection ponds shall be installed in accordance with Section 402.17.
- 404.0 C: Commercial District
- 404.1 Permitted Principal Buildings, Structures, and Uses
- A. All of the principal buildings, structures, and uses permitted in the R-3: Residential District (Section 402.1)
- B. Retail business establishments limited to the following:
- Agricultural supply stores
  - Antique shops
  - Artist's supply stores
  - Bakeries
  - Book stores
  - Clothing and apparel stores

Drapery and fabric stores  
Drugstores  
Florist shops  
Food and beverage stores, including supermarkets, grocery stores, meat markets, and delicatessens  
Furniture, household goods, radio, television, electronics, and appliance stores  
Gift and stationary shops  
Hardware and paint stores  
Jewelry stores  
Lawn and garden equipment stores  
Luggage and leather goods stores  
Medical and orthopedic appliance stores  
Music and musical instrument stores  
News stands  
Office supply stores  
Photographic supply stores  
Plumbing and heating supply stores  
Music and video shops  
Seed and garden supply stores  
Sporting goods stores  
Variety stores  
Vehicle parts stores

C. Service establishments limited to the following:

Appliance repair shops  
Banks, savings and loans, and other lending institutions  
Barber shops  
Beauty parlors  
Blacksmith shops  
Bowling alleys  
Building trade contractor's establishments  
Business services engaged in rendering services to business establishments on a fee or contract basis including advertising services, employment services, management consulting services, and mailing services  
Caterers  
Commercial parking garages and lots  
Dry cleaners  
Frozen food lockers  
Funeral homes  
Furniture repair and upholstering shops  
Government maintenance garages and material storage  
Greenhouses  
Indoor ice skating and roller skating rinks  
Indoor theaters  
Interior decorators  
Jewelry, clock, and watch repair  
Laundries

Locksmiths  
 Lodges, meeting halls, and party centers  
 Newspaper offices  
 Office equipment repair shops  
 Photographic studios  
 Printing shops  
 Professional offices of: accountants, attorneys, bookkeepers, computer  
     programmers, dentists, engineers, insurance agents, optometrists,  
     physicians, real estate agents, surveyors, and veterinarians  
 Racquetball courts  
 Radio, television, and electronics repair  
 Rental storage facilities  
 Restaurants  
 Shoe repair shops  
 Small engine repair shops  
 Tennis courts  
 Tool rental stores  
 Vehicle washes

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

All of the accessory buildings, structures, and uses permitted in the R-3: Residential District (Section 402.2)

404.3 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

1. Conditions for hospitals and veterinary hospitals

- a. A hospital or a veterinary hospital shall conform with all of the regulations for the zoning district in which it is located.
- b. The number of off-road parking spaces shall be in accordance with Article VI.
- c. Signs shall be in accordance with Article VII.

B. Hotels, motels, and tourist homes

1. Conditions for hotels, motels, and tourist homes

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

- b. A motel, hotel, or tourist home shall conform with all of the regulations for the zoning district in which it is located.
- c. The number of off-road parking spaces shall be in accordance with Article VI.
- d. Signs shall be in accordance with Article VII.

C. Nursing homes

1. Conditions for nursing homes

- a. A nursing home shall conform with all of the applicable regulations for the Commercial (C) zoning district in which it is located, unless otherwise specified in this section.
- b. Driveways and the number of off-road parking spaces shall be in accordance with Article VI.
- c. Signs shall be in accordance with Article VII.
- d. Written proof of compliance with any applicable state of Ohio regulations regarding licensing shall be provided to the Zoning Inspector.
- e. Connection to a sanitary sewer in accordance with the most currently adopted 208 plan for the township shall be required.
- f. The maximum lot coverage shall be sixty percent (60%).

D. Service stations

1. Conditions for service stations

- a. All fuel storage tanks shall be completely underground.
- b. Pumps shall be a minimum of forty (40) feet from the road right-of-way margin.
- c. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
- d. All storage of supplies shall be within completely enclosed buildings during non-business hours.
- e. No more than five (5) vehicles may be stored outside of an enclosed building or structure.



- f. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
- g. Provision of road maps and other informational material to customers; and the provision of restroom facilities.
- h. The number of off-road parking spaces shall be in accordance with Article VI.
- i. Signs shall be in accordance with Article VII.
- j. A service station shall conform with all of the regulations for the zoning district in which it is located.

E. Vehicle repair garages

1. Conditions for vehicle repair garages

- a. All repairs or servicing of motor vehicles shall be within a completely enclosed building and shall have a minimum floor area of one thousand (1,000) square feet.
- b. All storage of supplies shall be within completely enclosed buildings.
- c. No more than five (5) vehicles may be stored outside of a fully enclosed building for a period of more than thirty (30) days.
- d. The number of off-road parking and loading/unloading spaces shall be in accordance with Article VI. All driveway, parking, and loading/unloading areas shall be hard-surfaced.
- e. Signs shall be in accordance with Article VII.
- f. A vehicle repair garage shall conform with all of the regulations for the zoning district in which it is located.
- g. Buildings, structures and uses shall conform with all applicable building, health, and sanitary regulations enforced by the appropriate governmental agency.

F. Vehicle sales, lease, and rental lots

1. Conditions for vehicle sales, lease, and rental lots

a. Buildings on a vehicle sales, lease, and rental lot

- 1. A building used for a sales office shall be completely enclosed and shall have a minimum floor area of eight hundred (800)

square feet.

2. A building used for a sales office and a vehicle repair garage shall be completely enclosed and shall have a minimum floor area of one thousand (1,000) square feet.
- b. No more than fifty (50) vehicles shall be parked outside of a completely enclosed building and no vehicles shall be parked within any required yard area, except as specified in paragraph (c) herein. All vehicles offered for sale, lease or rental shall be in fully operable condition.
  - c. No vehicle shall be parked for display within twenty-five (25) feet of the right-of-way margin of any public road.
  - d. The number of off-road parking and loading/unloading spaces shall be in accordance with Article VI. All parking, loading/unloading, and driveway areas, including the vehicle sales display area, shall be hard-surfaced.
  - e. Signs shall be in accordance with Article VII.
  - f. A vehicle sales, lease, and rental lot shall conform with all of the regulations for the zoning district in which it is located.
  - g. Buildings, structures and uses shall conform with all applicable building, health, and sanitary regulations enforced by the appropriate governmental agency.
  - h. Lighting shall conform with Article IV, Section 404.16.

#### G. Cemeteries

1. Conditions for cemeteries
  - a. The minimum lot area shall be ten (10) acres.
  - b. The minimum lot frontage on a public road and the minimum lot width shall be four hundred (400) feet.
  - c. Buildings and structures, including offices, chapels, mausoleums, columbariums, restroom facilities, and maintenance garages shall have a minimum setback from all lot lines in accordance with Section 404.7 (A).
  - d. The maximum height of any buildings or structures shall be twenty-five (25) feet, measured from the average finished grade level at the foundation or base of the building or structure to the highest point thereof; however, flagpoles may exceed such height limitation

provided they are setback a distance equal to their height from the nearest lot line.

- e. Monuments, gravestones, grave markers, memorial walls, and burial plots shall be setback a minimum of fifteen (15) feet from all lot lines. Natural landscape barriers shall be provided along all side and rear lot lines.
- f. Off-road parking spaces and loading/unloading spaces shall be setback a minimum of ten (10) feet from all lot lines. One (1) parking space shall be provided for each employee, if any. The driveways within a cemetery may be used for temporary parking provided they are of sufficient width to accommodate moving and parked vehicles. Off-road parking spaces and loading/unloading spaces shall be constructed with an aggregate, concrete or asphalt material. The size of the parking space shall be ten (10) feet in width by twenty (20) feet in length.
- g. Driveways for ingress/egress shall be setback a minimum of fifteen (15) feet from all side and rear lot lines, measured from the lot line to the nearest edge of the driveway. Such driveways shall be a minimum of fifteen (15) feet in width and shall be constructed with an aggregate, concrete or asphalt material. There shall be no more than two (2) driveways serving a cemetery intersecting any one road and such driveways shall be set back a minimum of fifty (50) feet from a road intersection, measured from the edge of the road right-of-way to the nearest edge of the driveway.
- h. Fences, gates, and walls shall be a maximum height of six (6) feet, measured at the base of the fence, gate or wall to the highest point thereof. Such fences, gates, or walls shall be setback a minimum of ten (10) feet from all front lot line and shall be setback a minimum of five (5) feet from all other lot lines.
- i. Pedestrian walkways shall be setback a minimum of five (5) feet from all lot lines, measured from the lot line to the edge of the walkway. Walkways shall be constructed of aggregate, concrete, asphalt, or natural materials such as woodchips.
- j. Exterior storage of landscaping materials or other materials used in the operation of a cemetery shall be setback a minimum of twenty-five (25) feet from all lot lines. There shall be no storage of equipment, tools, or vehicles used in the operation of a cemetery outside of a fully enclosed building. Trash receptacles and dumpsters shall be setback a minimum of twenty-five (25) feet from all lot lines and shall be fully screened by a fence or wall and properly gated at all times.
- k. Exterior signage shall be in accordance with Article VII. There shall

be no more than one (1) ground sign on a lot.

- I. Exterior lighting fixtures shall be in accordance with Section 404.16
- m. Burial plots, buildings, structures, driveways, parking spaces, loading/unloading spaces, and walkways shall not be located within any part of a cemetery containing hydric soil conditions as identified in the latest version of the Geauga County Soil Survey Geographic (SSURGO) database (USDA, NRCS), the Soil Survey of Geauga County, Ohio (USDA, ODNR, 1982), or as documented in a written wetlands delineation report submitted with an application for a conditional zoning certificate prepared by a professional wetlands delineation consultant that has conducted an on-site investigation.
- n. Burial plots, buildings, structures, driveways, parking spaces, loading/unloading spaces, and walkways shall not be located within any part of a lot that is designated as a floodplain as depicted on the latest version of the Flood Insurance Rate Maps of the township prepared by the Federal Emergency Management Agency or in an area with a slope of less than two percent (2%).
- o. Burial plots, buildings, structures, driveways, parking spaces, loading/unloading spaces, and walkways shall be setback in accordance with Article XV; provided however, burial plots shall be setback a minimum of one hundred (100) feet from the nearest bank of any watercourse, pond, lake, or reservoir.
- p. The maximum lot coverage by buildings, parking spaces, loading/unloading spaces, driveways, and walkways shall be forty percent (40%).
- q. The minimum setback from any lot line to the nearest potable water well shall be two hundred (200) feet.
- r. All human remains for earth interments shall be placed, at a minimum, in water tight vaults and the top of the vault shall not be placed below the perched water table, also identified as the seasonal high water table.
- s. The depth to bedrock on a lot to be used for earth interments of human remains shall be a minimum of three (3) feet measured vertically from the surface of the natural grade level.
- t. A public cemetery owned and operated by the township shall comply with the applicable provisions of Chapter 517 of the Ohio Revised Code.
- u. A private cemetery owned and operated by a cemetery association or such other entity shall comply with the applicable provisions of

Chapter 1721 of the Ohio Revised Code.

- v. A cemetery shall comply with all other applicable regulations for the C: Commercial zoning district.
- w. A cemetery shall comply with the applicable general conditions for conditional uses set forth in Article V, Section 505.0 of this zoning resolution.

#### H. Residential Care facilities

##### 1. Conditions for residential care facilities

- a. A residential care facility shall conform with all of the applicable regulations for the Commercial (C) zoning district in which it is located, unless otherwise specified in this section.
- b. Driveways and the number of off-road parking spaces shall be in accordance with Article VI.
- c. Signs shall be in accordance with Article VII.
- d. Written proof of compliance with any applicable state of Ohio regulations regarding licensing shall be provided to the Zoning Inspector.
- e. Connection to a sanitary sewer in accordance with the most currently adopted 208 plan for the township shall be required.
- f. The maximum lot coverage shall be sixty percent (60%).

#### 404.4 Minimum Lot Area

The minimum area of a lot shall be one and one-half (1.5) acres.

#### 404.5 Minimum Lot Frontage

The minimum lot frontage shall be one hundred fifty (150) feet. The minimum lot frontage for a lot located on the arc of a permanent cul-de-sac shall be sixty (60) feet.

#### 404.6 Minimum Lot Width

The minimum width of a lot shall be one hundred fifty (150) feet.

#### 404.7 Minimum Yards

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

1. Front yard: 75 feet from the road right-of-way
  2. Each side yard: 25 feet
  3. Rear yard: 25 feet
- B. The minimum yards for all accessory buildings, structures, and uses shall be in accordance with the following:
1. Front yard: 75 feet from the road right-of-way
  2. Each side yard: 15 feet
  3. Rear yard: 10 feet
- C. Minimum side yard
1. On a corner lot the principal building and its accessory buildings shall be required to have the same side yard from all road right-of-way lines as is required for the front yard.

D. Buffer Zone

A buffer zone of not less than twenty (20) feet in width shall be required wherever a residential district abuts a commercial district. No structure, building, accessory building, parking area or sign shall be permitted in a buffer zone. The buffer zone shall be a part of the commercial district and on the same lot with the principal building, structure or use.

All buffer zones abutting a residential district along the side or rear lot lines shall be appropriately screened by fences, walls, earthen mounds or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences, walls, earthen mounds or evergreens shall be a minimum height of eight (8) feet upon installation. Evergreens shall be spaced fifteen (15) feet off center upon planting.

- 404.8      Maximum Height  
                  Same as Section 402.8
- 404.9      Maximum Lot Coverage  
                  Same as Section 402.9
- 404.10     Maximum Number of Dwellings per Lot  
                  Same as Section 402.10

- 404.11 Minimum Floor Area  
Same as Sections 402.11 and 402.12
- 404.12 Permitted Buildings, Structures, and Uses in Required Yards  
Same as Section 402.13
- 404.13 Minimum Distance Between Buildings  
There shall be a minimum spacing of thirty (30) feet between buildings on a lot.
- 404.14 Manufactured Homes  
Same as Section 402.14
- 404.15 Licensed Residential Facilities [O.R.C. 5119.34(B)(1)(b) and 5123.19(A)(5)(a)]  
A. Regulations for a 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. 5119.341(A) and 5123.19(M) respectively shall include the following:
1. The area, height, and yard requirements for the residential zoning district in which the licensed residential facility is located shall be met.
  2. Proof of compliance with applicable state regulations regarding licensing of the residential facility shall be provided to the zoning inspector.
  3. There shall be no more than one (1) detached licensed residential facility on a lot.
- 404.16 Exterior Lighting  
See Section 402.16.
- 404.17 Fire Protection Ponds  
Fire protection ponds shall be installed in accordance with Section 402.17.
- 404.18 Exterior Display or Sales Areas  
Exterior display or sales areas for goods and merchandise shall be a minimum of twenty-five (25) feet from any front lot line 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-road parking spaces, loading/unloading spaces or driveways on a lot.
- 404.19 Exterior Storage Areas

Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, structure or use of the lot shall be a minimum of twenty-five (25) feet from any front lot line 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.

404.20 Sewage Treatment Systems

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

405.0 I: Industrial District

405.1 Permitted Principal Buildings, Structures, and Uses

- A. All of the principal buildings, structures, and uses permitted in the C: Commercial District (Section 404.1), except residential dwellings.
- B. Agriculture in accordance with Article XVII.
- C. Light manufacturing and assembling limited to the following:

- Canvas products
- Ceramic products
- Chemicals, compounding and packaging
- Clay products
- Cinder block plants
- Concrete batching plants
- Cosmetics and toiletries
- Electronic components
- Fabricated metal products
- Food products
- Furniture products
- Glass and optical products
- Jewelry, clocks, and watches
- Leather and vinyl products
- Musical instruments
- Office and business machines
- Packaging products including paper, wood, and metal containers
- Pharmaceutical products
- Photographic equipment
- Plastic products
- Pre-fabricated elements of buildings and structures



- Rubber products
- Scientific and other precision instruments
- Sporting goods
- Textile products
- Toys
- Vehicles
- Wood products

D. Service establishments limited to the following:

- Building material sales
- Building trade contractor's establishments
- Cabinet and craft shops
- Carpet cleaning establishments
- Cold storage plants
- Dry cleaning plants
- Ice storage and sales
- Laboratories for research and testing
- Laundry, linen and diaper supply establishments
- Machine shops
- Metal working shops
- Millwork
- Offices
- Photographic development establishments
- Plating shops
- Saw mills
- Self service storage facility
- Sign shops
- Truck terminals
- Vehicle repair garages
- Warehousing
- Welding shops
- Wholesaling

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

All of the accessory buildings, structures, and uses permitted in the C: Commercial District (Section 404.2)

405.3 Conditional Buildings, Structures, and Uses

All of the conditional buildings, structures, and uses permitted in the C: Commercial District (Section 404.3), except cemeteries

405.4 Minimum Lot Area

The minimum area of a lot shall be five (5.0) acres.

405.5 Minimum Lot Frontage

The minimum frontage of a lot shall be three hundred (300) feet. The minimum lot frontage for a lot located on the arc of a permanent cul-de-sac shall be sixty (60) feet.

405.6 Minimum Lot Width

The minimum width of a lot shall be three hundred (300) feet.

405.7 Minimum Yards

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

- a. Front yard: 100 feet from the road right-of-way
- b. Each side yard: 50 feet
- c. Rear yard: 50 feet

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

- a. Front yard: 100 feet from the road right-of-way
- b. Each side yard: 50 feet
- c. Rear yard: 50 feet

C. Minimum side yard for corner lots

- 1. On a corner lot the principal building and its accessory buildings shall be required to have the same side yard from all road right-of-way lines as is required for the front yard.

D. Buffer Zone

A buffer zone of not less than seventy-five (75) feet in width shall be required wherever a residential district abuts a 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.

All buffer zones abutting a residential district along the side or rear lot lines shall be appropriately screened by fences, walls, earthen mounds or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising or other signs. Fences, walls, earthen mounds or evergreens shall be a minimum height of eight (8) feet

upon installation. Evergreens shall be spaced fifteen (15) feet off center upon planting.

405.8 Maximum Height

A. The maximum height of all buildings, structures, and uses except those listed in Section 402.8 paragraph B shall be thirty-five (35) feet or two and one-half (2.5) stories, whichever is less.

405.9 Maximum Lot Coverage

Same as Section 402.9

405.10 Minimum Floor Area

Same as Section 402.11

405.11 Permitted Buildings, Structures, and Uses in Required Yards

Same as Section 402.13

405.12 Minimum Distance Between Buildings

The minimum distance between buildings on the same lot shall be twenty-five (25) feet.

405.13 Exterior Lighting

Exterior lighting fixtures shall be installed in accordance with Section 402.16.

405.14 Fire Protection Ponds

Fire protection ponds shall be installed in accordance with Section 402.17.

405.15 Exterior Display or Sales Areas

Exterior display or sales areas for goods and merchandise shall be a minimum of twenty-five (25) feet from any front lot line and a minimum of twenty-five (25) feet from any side or rear lot lines. Exterior sales or display areas for goods and merchandise shall not be located within any off-road parking spaces, loading/unloading spaces or driveways on a lot.

405.16 Exterior Storage Areas

Exterior storage of materials, equipment, machinery, or vehicles in connection with the principal building, structure or use of the lot shall be a minimum of one hundred (100) feet from any front lot line and a minimum of fifty (50) 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-five (25) feet from any

side or rear lot lines.

405.17 Sewage Treatment Systems

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

406.0 CMR: Critical Mineral Resource District

406.1 Application

A. In addition to the information required by Article V of the Zoning Resolution, the applicant shall submit with his application for a conditional zoning certificate the following information:

1. One of the following:

(a) A copy of the information required by Section 1514.02 of the Ohio Revised Code, excluding any proprietary production or financial information; or

(b) A map which clearly identifies the area to be included in the conditional zoning certificate, which map shall be prepared by and bear the seal of a professional engineer or professional land surveyor registered with the State of Ohio.

2. A copy of the surface mining permit as required by Chapter 1514 of the Ohio Revised Code.

3. A copy of the bond or other acceptable financial guarantee as required by Section 1514.04 of the Ohio Revised Code.

406.2 Conditional Buildings, Structures, and Uses

A. The following buildings, structures and uses may be allowed in the CMR District in accordance with Article V and the conditions outlined in Section 406.0 of the Zoning Resolution:

1. Surface Mining as defined in Section 1514.01(A) of the Ohio Revised Code.

2. Storage, stockpiling, distribution, and sale of rock, sand, gravel, aggregates, limestone, cement, mortar, and other building materials and supplies and related items, earth, clay or other similar material or any products composed of any such materials so long as more than fifty percent (50%) on an annual basis of said materials used to make such products are mined within the area included in the conditional zoning certificate.

- B. The following buildings and structures shall be allowed in the CMR District in accordance with the general provisions of this Zoning Resolution upon filing a proper application, paying the required fee and meeting the required standards for the erection of the building and structures:
  - 1. The installation and operation of plants or apparatus for rock crushing or treatment of base materials and appurtenant screening, blending, washing, loading, and conveyor facilities.
  - 2. Concrete batching and mixing plants.
  - 3. The manufacture of concrete products and pre-stressed structural units.
  - 4. Shops, garages, and warehouses for the repair, maintenance, and storage of equipment and supplies.
  - 5. Offices.

406.3 Conditions for Buildings, Structures, and Uses

- A. All mining, quarrying, and the extraction of rock, sand, gravel, earth, clay, and similar materials shall be a minimum of fifty (50) feet from the right-of-way margin of any public road and fifty (50) feet from the boundary of the CMR District, except that the conditional use certificate may allow for the installation of equipment, roads or other accessways that traverse the right-of-way and the public road in accordance with the applicable laws and regulations of the State of Ohio. Any such transverse accessway will be permitted only if it is related to the mining, quarrying, extraction or production operations provided for under Section 406.2 of the Zoning Resolution.
- B. Storage, stockpiling, distribution, and sale of rock, sand, gravel, earth, clay and similar materials shall be a minimum of fifty (50) feet from the right-of-way margin of any public road and fifty (50) feet from the boundary of the CMR District.
- C. The installation and operation of plants or apparatus for rock crushing or treatment of base materials and appurtenant screening, blending, washing, loading, and conveyor facilities shall be a minimum of seventy-five (75) feet from the right-of-way margin of any public road and one hundred (100) feet from the boundary of the CMR District, except as provided in the conditional zoning certificate and as allowed in the Zoning Resolution.
- D. Concrete batching and mixing plants shall be a minimum of seventy-five (75) feet from the right-of-way margin of any public road and one hundred (100) feet from the boundary of the CMR District.
- E. The manufacture of concrete products and pre-stressed structural units shall be a minimum of seventy-five (75) feet from the right-of-way margin of any public road and one hundred (100) feet from the boundary of the CMR District.

- F. Shops, garages, and warehouses for the repair, maintenance, and storage of equipment and supplies necessary for the conduct of the uses set forth in Section 406.2 shall be a minimum of seventy-five (75) feet from the right-of-way margin of any public road and one hundred (100) feet from the boundary of the CMR District.
- G. Offices associated with the uses set forth in Section 406.2 shall be a minimum of seventy-five (75) feet from the right-of-way margin of any public road and one hundred (100) feet from the boundary of the CMR District.
- H. Equipment storage shall be a minimum of seventy-five (75) feet from the right-of-way margin of any public road and one hundred (100) feet from the boundary of the CMR District.
- I. Parking and loading/unloading facilities shall be in accordance with Article VI of the Zoning Resolution.
- J. Signs shall be in accordance with Article VII of the Zoning Resolution.
- K. Accessways for ingress and egress shall be a minimum of twenty (20) feet in width. Suitable area shall be provided for a turnaround for firefighting and emergency apparatus. Accessways shall be maintained free of dust.
- L. Any spillage of materials, mud, or other debris dropped on public roads shall be immediately and completely removed.
- M. The days and hours for the detonation of explosives shall be Monday through Saturday only and shall be no earlier than 6:00 a.m. and no later than 6:00 p.m.
- N. All entrances and exits to public roads shall have gates. Such gates shall be locked when the operation has been closed for the day.
- O. A copy of the Annual Report required by Section 1514.03 of the Ohio Revised Code shall be provided to the Township Fiscal Officer on an annual basis. This requirement does not include the submission of any proprietary production or financial information, or other similar proprietary or confidential information that may be contained in such Annual Report.
- P. A copy of the bond or other acceptable financial guarantee as required by Section 1514.04 of the Ohio Revised Code shall be provided to the Township Fiscal Officer on an annual basis.
- Q. The Township Zoning Inspector may enter upon the premises of the applicant or holder of the conditional zoning permit at reasonable times during normal business hours for the purpose of determining whether or not there is compliance with the provisions of this resolution and the conditions set forth in the applicant's conditional zoning certificate.
- R. The statutes contained in Chapter 1514 and in Section 4153.11 of the Ohio Revised Code, and any regulations promulgated thereunder, are hereby

incorporated and made a part of this Zoning Resolution.

406.4 Future Zoning Plan for the CMR District

The future zoning plan for the area included in the CMR District after the completion of mining and reclamation activities shall be to include said area in the Public Recreation District or such other zoning district as may be allowed by the Board of Township Trustees in accordance with the zoning amendment procedure set forth in Section 519.12 of the Ohio Revised Code or by the Zoning Board of Appeals.

406.5 Agriculture

Agriculture in accordance with Article XVII.

406.6 Solar Panels

Solar panels shall be in accordance with Article VIII, Section 800.2.

406.7 Wind Energy Conversion Systems

Wind energy conversion systems shall be in accordance with Article VIII, Section 801.2.

407.0 PR: Public Recreation District

407.1 Definition

Recreation facilities owned, leased, or managed by the government of the United States, the State of Ohio, its agencies or any political subdivisions thereof.

407.2 Permitted Principal Buildings, Structures, and Uses

Agriculture in accordance with Article XVII  
Ball fields and facilities related thereto  
Lodges for temporary occupancy not to exceed thirty (30) days  
Offices for park employees  
Picnicking and picnic shelters  
Recreational equipment  
Trails for hiking

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

- A. Fences and walls in accordance with Section 402.13, paragraph E.
- B. Off-road parking spaces in accordance with Article VI.

- C. Signs in accordance with Article VII.
- D. Storage buildings designed and used for the storage of tools and equipment.
- E. Sanitary sewage treatment and water well systems.
- F. Solar panels shall be in accordance with Article VIII, Section 800.2.
- G. Wind energy conversion systems shall be in accordance with Article VIII, Section 801.2.

407.4 Conditional Buildings, Structures, and Uses

None

407.5 Minimum Lot Area

None

407.6 Minimum Lot Frontage

Same as Section 402.5

407.7 Minimum Lot Width

None

407.8 Minimum Yards

All buildings and structures shall be a minimum of seventy-five (75) feet from the right-of-way margin of any public road and a minimum of one hundred (100) feet from any boundary of the PR District.

407.9 Maximum Height

Same as Section 405.8

407.10 Maximum Lot Coverage

None

407.11 Minimum Floor Area

None

407.12 Permitted Buildings, Structures, and Uses in Required Yards

Same as Section 402.13



407.13

Interior Roads

- A. All interior roads for ingress and egress shall be a minimum width of twenty (20) feet.
- B. All interior roads shall have a suitable all-weather surface.

**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 following information: 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 regulations contained in this resolution.

- A. The name, address, telephone number, fax number, and e-mail address of the applicant.
- B. The name, address, telephone number, fax number, and e-mail address of the owner of record.
- C. The address of the lot, if different from the applicant's current address and PPN.

- D. The names, addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road from the subject lot).
- E. Documentation as to authority to make application (e.g. deed, power of attorney, lease or purchase agreement). If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.
- F. A copy of the deed and legal description for the lot, as recorded with the Geauga County Recorder.
- G. The current zoning district in which the lot is located.
- H. A description of the existing use of the lot.
- I. A description of the proposed use of the lot.
- J. Two (2) copies of a plan or map drawn to scale, with a north arrow and date showing the following information:
  - 1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
  - 2. The dimensions 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; and, a copy of the floor plan for each floor of the building or structure.
  - 6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).
  - 7. 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; and, the distance between existing and proposed detached buildings and structures.

8. The height (in feet) of existing buildings or structures on the lot.
9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
10. The name and location of the existing road(s), public and private, adjacent to the lot.
11. The number of dwelling units existing (if any) and proposed for the lot.
12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces.
13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.
14. For nonresidential, commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
15. The location and dimensions (in feet) of any existing or proposed easements on the lot.
16. The location and description of existing and proposed landscaping and buffer areas on the lot.
17. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
18. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
19. For nonresidential, commercial and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.
20. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
21. The type of surface material, dimensions (in feet), setback, and culvert pipe (including any bridge) for the driveway.

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

1. Two (2) copies of a drawing or map, drawn to scale with a north arrow

and date showing:

- a. The dimensions (in feet) of the sign.
  - b. The area of the sign (per sign face) in square feet.
  - c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.
  - d. The height (in feet) of the sign.
  - e. The method of illumination, if any.
  - f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).
- L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.
- M. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system 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 stormwater management and erosion control plan. The water management and sediment control regulations set forth in Article XVI may apply and may be required as a part of the application.
- O. The "General Standards for Conditional Uses" listed under Section 506.0 may apply and may be required as a part of the application.
- P. The riparian setback regulations set forth in Article XV may apply and may be required as a part of the application.
- Q. The application fee.

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 1002.4 of this resolution.
- B. One (1) copy of the plans submitted with the application shall be returned to the applicant by the board of zoning appeals after said copy has been marked either approved or disapproved, dated, and attested to by the signature of the chairman or the secretary of the board of zoning appeals. One (1) copy of the plans so marked shall be retained by the board of zoning appeals for its permanent records.
- C. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R.C. Chapter 2506.

#### 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 shall contain the following conditions, in addition to those specifically required by other sections of this zoning resolution and those required by the board of zoning appeals.

- A. A conditional zoning certificate shall not be transferred or assigned and a change of ownership shall require the new property owner to obtain a new conditional zoning certificate. Conditional uses shall be considered by the Board of Zoning Appeals individually on direct application by an owner or lessee of the property involved.
- B. A conditional zoning certificate for any of the buildings, structures, and uses provided herein shall be valid for a period not to exceed five (5) years from the date of issuance except for:

1. The conditional zoning certificate issued for the conditional buildings, structures, and uses provided for under Section 406.2 of the CMR District shall be valid for a period not to exceed ten (10) years from the date of issuance. This certificate may be renewed for successive periods not to exceed ten (10) years each, if the applicant has complied with all of the conditions of his previously issued conditional zoning certificates and the provisions of this zoning resolution.

504.0 Revocation of a Conditional Zoning Certificate for Extraction of Minerals per O.R.C. 519.14(D)

A conditional zoning certificate for the extraction of minerals shall be revoked by the board of zoning appeals 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. Any of the conditions set forth in the conditional zoning certificate are violated.
- E. The conditional use described therein has been voluntarily discontinued for a period of two (2) years or more.

504.1 Procedure for the Revocation of a Conditional Zoning Certificate for Extraction of Minerals per O.R.C. Section 519.14(D)

- A. The board of zoning appeals shall notify the holder of the conditional zoning certificate by certified mail of its intent to revoke said certificate and his right to a hearing before the board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the board 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 board may revoke a certificate without a hearing. The authority to revoke a certificate is in addition to any other means of zoning enforcement provided by law.
- B. When a conditional zoning certificate has been declared revoked by the board of zoning appeals, written notice of its revocation shall be sent by the zoning inspector 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 conditional zoning certificate. Such notice shall

also include a statement that all construction upon or use of the building, structure or land described in the conditional zoning certificate shall cease unless and until a new conditional zoning certificate has been issued.

505.0 Procedure for the Revocation of a Conditional Zoning Certificate not Pertaining to Extraction of Minerals

When a conditional zoning certificate not pertaining to the extraction of minerals pursuant to O.R.C. Section 519.14(D) 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.

506.0 General Standards for Conditional Uses

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

- A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site.
- B. The proposed roads and other means of ingress and egress are of adequate width and condition to accommodate expected vehicular traffic to be generated by the proposed use and are reasonably constructed to permit access by firefighting, police, ambulance and other safety vehicles and will not interfere with traffic on adjacent thoroughfares. A traffic impact study by a qualified traffic engineer may be required.
- C. The size and number of proposed off-road parking spaces and loading/unloading spaces (if applicable) are adequate and are in accordance with the provisions of Article VI of this resolution.
- D. The type, size, location and number of proposed signs are in accordance with the provisions of Article VII of this resolution.
- E. The proposed use will be compatible with the township land use plan.
- F. The proposed use will not be hazardous or disturbing to existing or future



neighboring uses.

- G. The proposed use will be serviced adequately by essential public facilities including roads, police and fire protection, drainage structures, refuse disposal, water and sewage disposal systems, 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 stormwater 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.
- I. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare.
- J. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

## ARTICLE VI

### PARKING AND LOADING/UNLOADING SPACES

#### Section

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

- A. Adequate parking and loading/unloading spaces in accordance with this resolution shall be provided at the time any building, structure, or use is located, erected, constructed, reconstructed, enlarged, structurally altered, or any use is changed.
- B. All parking and loading/unloading spaces shall be located totally outside of the right-of-way of any public or private road.
- C. All parking and loading/unloading spaces shall be located on the same lot as the use to be served.
- D. All parking and loading/unloading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, and roads.
- E. All parking and loading/unloading spaces together with driveways, aisles, and other circulation areas shall be improved with such material to provide a durable all weather and dust-free surface.
- F. The owner of the property used for parking and loading/unloading spaces shall maintain such areas in good condition without holes and free of all dust, trash, and other debris. 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. Parking and loading/unloading areas and spaces shall be repaired or appropriate maintenance conducted within thirty (30) days of the date that written notification is provided to the owner or lessee of the affected lot or premises 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 with a capacity over ten (10) vehicles shall be striped or otherwise delineated between spaces to facilitate the movement into or out of parking spaces.

- I. All parking lots and loading/unloading spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and loading/unloading spaces from or into a public or private road shall be traveling in a forward motion. Access driveways for parking lots and loading/unloading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private road.
  
- J. All entrances and exits to a parking lot shall be clearly delineated by appropriate directional signage and/or pavement markings. Interior vehicular circulation patterns shall be delineated by appropriate directional signage and/or pavement markings 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 (20) feet.
  - 3. There shall be no more than two (2) points of ingress/egress per lot from a road to a parking lot.
  
- K. Parking and loading/unloading spaces shall not be located in the minimum front, side, or rear yard of any lot. Off-road parking spaces shall be setback a minimum of twenty-five (25) feet from the road right-of-way and fifteen (15) feet from any side or rear lot line. A fully landscaped strip, not less than fifteen (15) feet in width, shall be located between the road right-of-way and any off-road parking spaces. Internal landscaped islands within off-road parking areas to delineate the end of aisles and to act as stormwater 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 a minimum of fifteen (15) feet from any side or rear lot line.
  
- L. Whenever a parking lot and/or loading/unloading area is located in or adjacent to a residential district, it shall be effectively screened on all sides 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 nor more than six (6) feet in height and shall be maintained in good condition. The space between such wall, fence, or planting screen, and the lot line of the adjoining property in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition in 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:

| <u>Use</u>  | <u>Number of Parking Spaces Required</u>   |
|---|--|
| <b><i>Residential Districts</i></b>   |  |
| Residential dwellings, adult family homes and licensed residential facilities | Two (2) for each dwelling unit   |
| Churches  | One (1) for every five (5) seats in main auditorium  |
| 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 |
| Schools   |  |
| College, university, or 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 markets (all zoning districts)   | One (1) for each 200 square feet of floor area plus one (1) for each employee  |
| <b><i>Commercial District</i></b>   |  |
| Retail business establishments  | One (1) for each 200 square feet of floor area plus one (1) for each employee  |
| Service establishments  | One (1) for each 200 square feet of floor area plus one (1) for each employee  |
| Hospitals   | One (1) for each bed plus one (1) for each employee  |

| <u>Use</u>   | <u>Number of Parking Spaces Required</u>  |
|--|---|
| Veterinary hospitals                                 | One (1) for each 200 square feet of floor area plus one (1) for each employee   |
| Hotels and motels                                    | One (1) for each sleeping room plus one (1) for each employee   |
| Nursing homes  | One (1) for each bed plus one (1) for each employee   |
| 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 garages                               | 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   |
| <br><b><i>Industrial District</i></b>                |   |
| 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  |
| <br><b><i>Critical Mineral Resource District</i></b> |   |
| All conditional uses                                 | One (1) for each employee on the maximum working shift  |
| <br><b><i>Public Recreation District</i></b>         |   |
| All Permitted Uses                                   | One (1) for each 250 square feet of floor area or one (1) for every two (2) patrons, whichever is greater, plus one (1) for each employee |

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. The total area of a parking space shall be a minimum of two hundred (200) square feet.

603.0 Number of Loading/Unloading Spaces Required.

For commercial and industrial uses permitted by this resolution, off-road loading/unloading spaces shall be provided in accordance with the following schedule.

| <u>Gross Floor Area</u><br>(square feet) | <u>Required Number of</u><br><u>Loading/Unloading Spaces</u>   |
|--|--|
| Up to 20,000                             | 1  |
| 20,001 to 40,000                         | 2  |
| 40,001 to 100,000                        | 3  |
| Over 100,000                             | 4 + 1 per additional 60,000<br>square feet of gross floor area |

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 seventy (70) feet. The total area of a loading/unloading space shall be a minimum of eight hundred and forty (840) square 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.
- D. "Banking" of off-road parking spaces may be permitted, provided that such spaces are permanently reserved by a deed restriction running with the affected lot. Such restriction shall not be extinguished without the prior

approval of the zoning inspector for a permitted use or the board of zoning appeals for a conditional use, and shall state that the area(s) reserved for future parking shall be maintained as landscaped open space unless and until they are required to be used for off-road parking. Land banked spaces shall be included in the calculation of lot coverage as required by this resolution.

#### 606.0 Driveways

- A. A driveway in the residential zoning districts shall be setback a minimum of fifteen (15) feet from the nearest side and rear lot lines, measured in a perpendicular fashion from the lot line to the edge of the driveway, shall be constructed of a durable all-weather surface, and shall be a minimum of ten (10) feet in width, unless otherwise specified herein.
- B. A driveway in the commercial and industrial zoning districts shall be setback a minimum of fifteen (15) 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 (J) 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 in any residential zoning district that is more than one hundred (100) feet in length measured from the edge of the road right-of-way shall:
  - 1. Be constructed with a suitable all-weather surface consisting of gravel, asphalt, or concrete.
  - 2. Be a minimum width of twelve (12) feet.
  - 3. Have a minimum overhead height clearance of thirteen (13) feet that is free of tree branches, wiring, or any other obstructions.
  - 4. Have a turnaround a minimum of twelve (12) feet by twenty-five (25) feet.
  - 5. Have culvert piping, including any bridge, that will sustain a minimum load of thirty-five thousand (35,000) pounds.

#### 607.0 Handicapped Parking

Off-road 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 regulations, 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 other similar construction equipment, other than equipment temporarily used for construction upon the affected lot, shall be prohibited outside of a fully enclosed building in any 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 setback 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), semitrailers as defined in O.R.C. Section 4501.01(P), or any vehicle having a gross vehicle weight (gvw) of twenty-five thousand (25,000) pounds or more, other than for the purpose of making temporary delivery or service calls, shall be prohibited outside of a fully enclosed building in any residential zoning district. In all other nonresidential zoning districts, such commercial tractors, semitrailers, or vehicles with a gvw of twenty-five thousand (25,000) pounds or more 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 pursuant to Section 600.0 and shall be setback from all lot lines in accordance with the regulations for the zoning district in which they are located.
- C. Any vehicle, motor vehicle, passenger car, collector's vehicle, historical motor vehicle, noncommercial motor vehicle, bus, commercial car, trailer, noncommercial trailer, recreational vehicle, travel trailer, motor home, truck camper, fifth wheel trailer, park trailer, or chauffeured limousine as defined in O.R.C. Section 4501.01 shall not be parked or stored in front of the principal building on a lot in any zoning district unless it is within a driveway, parking or loading/unloading area pursuant to Section 600.0, or within a fully enclosed building, and shall be setback from all lot lines in accordance with the regulations for the zoning district in which it is located.

609.0

Traffic Visibility at Road Intersections

- A. No obstruction including structures, parking of vehicles or landscaping shall be permitted in any zoning district that blocks or impedes clear sight distance at intersecting roads.
- B. At the intersection of state highways, the regulations contained in the most current version of the Ohio Department of Transportation "State Highway Access Management Manual" shall apply.



## 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. Such sign may also display an address. 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 therefrom to be directed upon a public or private road or adjacent lots so as to cause glare or reflection that may constitute a traffic hazard, nuisance, or distraction.
2. No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
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 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 the right-of-way of any public or private road except governmental signs. No signs shall be placed on a public utility pole, except by a public utility.
6. Signs and support structures shall consist of weather resistant materials and shall be maintained in good repair and a safe condition so as to prevent rust, rot, peeling, flaking or fading. Broken or cracked sign faces or panels, missing letters, flaking or peeling paint, malfunctioning electrical or lighting components, and other visual damage or deterioration shall be repaired within thirty (30) days of the date that written notification is provided to the owner or lessee of the affected lot or premises by the zoning inspector.

#### 702.0 Prohibited Signs in all Districts

The following signs shall be prohibited in all zoning districts:

- A. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official governmental signs and/or approaching or merging traffic.
- B. Signs which interfere with, imitate or resemble an official governmental sign, signal, or device.
- C. Signs illuminated so as to interfere with the effectiveness of or which obscure an official governmental sign, signal, or device.
- D. Roof signs
- E. 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 with a maximum area of twelve (12) square feet per sign face which advertises the sale, lease, or rental of the premises upon which such sign is located.
2. One (1) real estate development sign per subdivision with a maximum area of twenty-five (25) square feet per sign face which advertises the sale of lots in the subdivision upon which such sign is located.
3. One (1) nameplate sign per lot, dwelling unit, or use with a maximum area of four (4) square feet per sign face indicating the name and address of the owners or occupants of the premises.
4. Directional (entrance and exit) signs on a lot with a maximum area of four (4) square feet per sign face and containing only directional information.
5. Temporary signs may be erected only with the permission of the owner of the premises, and shall be erected for no more than thirty (30) days without replacement or removal. 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. The maximum area of a temporary sign shall be ten (10) 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.
6. One (1) development sign per subdivision or premises with a maximum area of twenty-five (25) 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 size, structural or design alteration of said sign.

705.0 Signs Permitted in the Residential 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 residential zoning districts upon the issuance of a zoning certificate and subject to the following limitations:
  1. Each permitted or conditional use may be allowed only one (1) of the following signs on the lot: wall or ground.
    - a. Wall signs shall have a maximum area of twelve (12) square feet.
    - b. Ground or pylon signs shall have a maximum area of twelve (12)

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 districts upon the issuance of a zoning certificate and subject to the following limitations:
  - 1. Professional or home occupation signs
  - 2. Bulletin board signs
- 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, Industrial, Critical Mineral Resource, and Public Recreation Zoning Districts (see also Section 704.0)

- A. Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial, industrial, critical mineral resource, and public recreation zoning districts upon the issuance of a zoning certificate and subject to the following limitations:
  - 1. Each permitted or conditional use may be allowed one (1) of the following signs on the lot: wall, projecting, or marquee.
    - a. Wall signs shall have a maximum area of fifty (50) square feet.
    - b. Projecting signs shall have a maximum of twenty-five (25) 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.
    - c. Marquee signs shall have a maximum area of fifty (50) square feet per sign face and shall not extend more than ten (10) feet measured from the face of the building to which such sign is attached.
  - 2. In addition to a wall, projecting, or marquee sign each permitted or conditional use may be allowed one (1) ground or pylon sign on the lot. Such sign shall not exceed fifty (50) square feet per sign face in area. There shall be no more than one (1) ground or pylon sign per lot.
  - 3. In lieu of the permitted ground or pylon sign in paragraph 2 above, one (1) or more groups of permitted or conditional uses within the same building or structure, or located on the same lot, may be allowed one (1) directory sign for all uses. Such signs shall have a maximum area of seventy-five (75) square feet per sign face.
  - 4. In addition to the permanent signs permitted herein, one (1) freestanding sign may be located on the premises. A freestanding sign shall not exceed twenty-five (25) square feet per sign face in area.

A zoning certificate for a freestanding sign shall be valid for a period not to exceed ninety (90) days from the date of issuance of said certificate by the zoning inspector.

Upon the expiration of the zoning certificate for a freestanding sign, said sign shall be removed from the affected premises by the owner.

Upon the expiration of a zoning certificate and removal of a freestanding sign from the affected premises, a new zoning certificate for a freestanding sign shall not be issued for a minimum of sixty (60) consecutive days.

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

1. Bulletin board signs
2. Business or professional signs
3. Directory signs

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, wall, and marquee signs shall not exceed the height of the wall face to which such signs are attached.
- B. Ground or pylon and freestanding signs shall have a maximum height of twenty (20) feet.

710.0 Minimum Yard Requirements

- A. Ground or pylon and freestanding signs shall have a minimum setback of ten (10) feet from the front lot line.

B. Ground or pylon and freestanding 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 and industrial district or on lands used for agricultural purposes as defined in this resolution. Billboards shall be prohibited in all other zoning districts.

B. Conditions

No application for a conditional zoning certificate shall be approved for a billboard and a conditional zoning certificate issued 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 two thousand five hundred (2,500) feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the township, where the affected road extends beyond such boundaries.
5. A billboard shall be setback a minimum of 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 thousand (2,000) 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 seventy-five (75) 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 twenty-five (25) 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 twenty-five (25) 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 one hundred fifty (150) 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 fifty (50) 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**  
**ALTERNATIVE ENERGY**

Section

800.0 Solar Panels

800.1 Definitions

- A. "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.
- B. "Solar panel array" means an integrated assembly of solar panels with a support structure or foundation and other components.
- C. "Freestanding solar panel" means a solar panel or an array of solar panels that is not attached to a building and is mounted on a structure attached to the ground.
- D. "Roof mounted solar panel" means a solar panel or an array of solar panels attached to the roof of a principal or accessory building.

800.2 Solar Panel or Solar Panel Array Regulations

A solar panel or a solar panel array, whether freestanding or roof mounted, shall be classified as a permitted accessory use in the R-3, R-5, C, I, CMR, and PR zoning districts and shall be subject to the following regulations:

- A. Location: Shall not be located in front of the principal building or in the front yard.
- B. Minimum setbacks: Shall be in accordance with the minimum front, side, and rear yard setbacks for accessory uses for the zoning district in which the solar panel or solar panel array is located.
- C. Minimum riparian setback: Shall comply with the setback from any watercourse, wetland or 100 year floodplain in accordance with Article XV, Section 1503.0
- D. Height: Maximum height for a freestanding solar panel or solar panel array shall be twenty (20) feet measured vertically from the finished grade level immediately adjacent to the mounting base of the solar panel to its highest point. A solar panel shall be subordinate in size and height to the building it serves.

- E. Lot coverage: Maximum lot coverage for a freestanding solar panel or solar panel array shall be in accordance with the zoning district in which the panel or array is located, measured as the area of the face of the solar panels.

801.0 Wind Energy Conversion Systems

801.1 Definitions

- A. "Economically significant wind farm" means wind turbines and associated facilities, whether publicly or privately owned, on a lot with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) megawatts or more. See Article I, Section 104.0(F).
- B. "Small wind farm (SWF)" means wind turbines and associated facilities, that are the principal uses on a lot, with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts.
- C. "Wind energy conversion system (WECS)" means equipment that converts and then stores or transforms kinetic energy from the wind into usable forms of energy. Such equipment includes, but is not limited to, an anchor base, airfoil, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wiring, inverter, batteries, or any other components used in the system. A WECS may include equipment that is used for pond aeration and/or pumping water.
- D. "Wind energy conversion system tower" means a monopole that may be freestanding or attached to a building that supports a wind turbine.
- E. "Wind turbine" means the parts of a wind energy conversion system including the blades or airfoils and associated mechanical and electrical conversion components mounted to a wind tower or a building.

801.2 WECS Regulations

A WECS, whether freestanding or mounted to a building, shall be classified as a permitted accessory use in the R-3, R-5, C, I, CMR, and PR zoning districts and shall be subject to the following regulations:

- A. Number: There shall be no more than one (1) WECS on a lot.
- B. Minimum setback from lot lines: A WECS tower shall be setback a minimum distance equal to 1.1 times its total height measured from all lot lines. Total height shall mean the vertical distance measured from the finished grade level at the base of the tower to the tip of the wind turbine blade or airfoil at its highest point. A WECS tower shall not have guy wires attached to it and shall be of monopole construction only. Lattice towers are prohibited.

- C. Minimum riparian setback: A WECS tower shall be setback from a watercourse, a wetland, or a 100 year floodplain in accordance with the regulations in Article XV, Section 1503.0.
- D. Location on lot: A WECS shall not be located in front of the principal building on a lot or in the front yard.
- E. Clearance: No portion of a WECS including blades shall extend within thirty-five (35) feet of the ground. No portion of a WECS may extend over parking areas, driveways, or overhead utility lines.
- F. Climb prevention: A WECS tower shall not have climbing rungs within twenty (20) feet of the ground.
- G. Lighting: A WECS shall not be artificially lighted unless required by Federal Aviation Administration (FAA) regulations.
- H. Signage: No signs shall be attached or painted on a WECS except identification signage related to the manufacturer, installer, and owner and high voltage warning signage. Such signage shall be a maximum total sign face area of four (4) square feet and shall not be lighted.
- I. Wiring: All wiring from a WECS to any buildings, structures or connections shall be underground.
- J. Color: If painted, a WECS shall be a non-reflective neutral color.
- K. Maintenance: A WECS shall be maintained in working condition at all times, shall be structurally sound and free of surface defects.
- L. Compliance with other regulations: The owner shall be responsible to secure any necessary approvals and inspections from other applicable departments and agencies; including but not limited to, the county building department, the fire department, and the FAA.
- M. Over-speed controls: A WECS shall be equipped with manual and automatic over-speed controls to retain blade rotation speed within design limits.
- N. Maximum height: The maximum height of a WECS shall be eighty (80) feet measured vertically from the finished grade level at the base of the WECS tower to the tip of the blade or airfoil at its highest point.
- O. Engineering study: A written engineering study by a qualified consultant retained by the owner that analyzes the potential effects of a WECS on the public safety microwave network maintained by the Geauga County Sheriff's office may be required. Said study shall be submitted to the Radio System Coordinator, Geauga County Sheriff's office, for review. A WECS shall not

obstruct or otherwise detrimentally impact the radio signal and operation of the Geauga County public safety microwave network.

- P. Mounting on a building: If mounted to a building other than a tower, a WECS shall comply with all of the applicable regulations set forth herein and shall have a maximum height of eighty (80) feet measured vertically from the finished grade level at the building foundation to the tip of the blade or airfoil at its highest point.

801.3 Small Wind Farm (SWF)

A Small Wind Farm (SWF) shall be prohibited in all zoning districts. See Article IV, Section 401.0.

## 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 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 is hereby defined as the placement of construction materials in permanent position and fastened in a permanent manner. Construction must be completed within two (2) years of the effective date of this resolution or amendment thereto for the building or structure to be a lawful nonconforming use as provided in Section 900.0 of this resolution. A building or structure shall be deemed complete for purposes of this section only upon issuance of an occupancy permit by the appropriate building authority.

#### 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. 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, enlarged, or relocated to decrease its nonconformity.
- B. No lawful nonconforming uses shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time of the effective date of this resolution or any amendment thereto.
- C. No lawful nonconforming uses shall be moved in whole or in part to any portion of the lot or property other than that occupied by such uses at the time of the effective date of this resolution or any amendment thereto.
- D. No additional building or structure not conforming to the requirements of this resolution or any amendment thereto shall be erected in connection with such nonconforming use of land.

- E. No existing building or structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the building or structure to a use permitted in the district in which it is located.
- F. Any nonconforming use may be extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the time of the effective date of this resolution or any amendment thereto, but no such use shall be extended to occupy any land outside such building or structure.
- G. Any building or structure, or building or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use shall not thereafter be resumed.

907.0 Substitution

A nonconforming use may be substituted for a lawful nonconforming use provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, dwelling units or in the number of persons using the property.

908.0 Nonconforming Lots of Record

- A. In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area, frontage, and 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 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 office, shall be bonded in accordance with the Ohio Revised Code.

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 1100.2 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 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 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 moneys received by him with the township fiscal officer within twenty-four (24) consecutive hours of receipt pursuant to O.R.C. 117.17.
- M. Review proposed preliminary major subdivision plats and final major subdivision plats pursuant to 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

- A. 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 O.R.C. Section 519.04. The two (2) alternate members shall be identified as first (1<sup>st</sup>) and second (2<sup>nd</sup>) alternate

indicating the order in which they shall fill vacancies occurring on the zoning commission.

- B. An alternate member shall take the place of an absent regular member at any meeting of the 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 a 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.

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 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

Pursuant to 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. The board of township trustees may also appoint two (2) alternate members to the board of zoning appeals in accordance with O.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 member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide.

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

#### 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 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. If the board of zoning appeals considers conditional zoning certificates for activities that are permitted and regulated under O.R.C. Chapter 1514 or activities that are related to making finished aggregate products, the board shall proceed in accordance with O.R.C. Section 519.141.
- D. 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 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 to the board of zoning appeals in accordance with O.R.C. Section 519.13, the two (2) alternates shall be identified as first (1<sup>st</sup>) and second (2<sup>nd</sup>) 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 of the board of zoning appeals.

#### 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

authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal. The zoning inspector or the board of zoning appeals may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution.

All notices of appeal shall contain the following language:

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

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

1. The name, address, telephone number, fax number, and e-mail address of the appellant.
2. The name, address, telephone number, fax number, and e-mail address of the owner of record.
3. The address of the lot, if different from the appellant's current address and PPN.
4. The names, addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road from the subject lot).
5. Documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease or purchase agreement). If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.
6. A copy of the deed and legal description for the lot, as recorded with the Geauga County Recorder.
7. The current zoning district in which the lot is located.
8. A description of the existing use of the lot.
9. A description of the proposed use of the lot.
10. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
  - a. The dimensions (in feet) of all lot lines and the total acreage of the lot.

- b. The dimensions 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; and, a copy of the floor plan for each floor of the building or structure.
- f. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).
- g. 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; and, the distance between existing and proposed detached buildings and structures.
- h. The height (in feet) of existing buildings or structures on the lot.
- i. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
- j. The name and location of the existing road(s), public and private, adjacent to the lot.
- k. The number of dwelling units existing (if any) and proposed for the lot.
- l. The location, dimensions (in feet), setbacks from lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.
- m. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.
- n. For nonresidential, commercial and industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
- o. The location and dimensions (in feet) of any existing or proposed easements on the lot.

- p. The location and description of existing and proposed landscaping and buffer areas on the lot.
  - q. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
  - r. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
  - s. For nonresidential, commercial and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.
  - t. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
  - u. The type of surface material, dimensions (in feet), setback, and culvert pipe (including any bridge) for the driveway.
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 dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).
13. A copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.



14. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the lot.
15. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The water management and sediment control regulations set forth in Article XVI may apply and may be required as a part of the application.
16. The riparian setback regulations set forth in Article XV may apply and may be required as a part of the application.
17. 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.
18. 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:
      - 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.
  - 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 the 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.

19. The appeal fee.

- C. The board of zoning appeals shall fix a reasonable time for public hearing of the appeal which shall commence not later than sixty (60) days from the date the notice of appeal has been filed with the board. The public hearing on the appeal may be continued from day to day for good cause shown.

The board of zoning appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Notice of any continued

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

- D. Hearings before the board of zoning appeals shall be conducted in accordance with the following:
1. Any person may appear in person or by attorney.
  2. All testimony and evidence received by the board shall be given under oath or affirmation administered by the chairman or in his absence the acting chairman of the board of zoning appeals.
  3. A party in interest shall be allowed:
    - a. To present his position, arguments and contentions;
    - b. To offer and examine witnesses and present evidence in support thereof;
    - c. To cross-examine witnesses purporting to refute his position, arguments and contentions;
    - d. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments and contentions;
    - e. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
  4. The board of zoning appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.
  5. An accurate record of the proceedings shall be kept and preserved by the board of zoning appeals.
- E. Decisions of the board of zoning appeals shall be in accordance with the following:
1. All decisions shall include conclusions of fact of the board in support of the decision.
  2. A decision of the board and the adoption of conclusions of fact shall be made at a public meeting of the board. The decision and the conclusions of fact of the board shall be in writing and signed at a public meeting of the board by all members voting affirmatively thereon no later than thirty (30) days from the last date of public hearing.

3. The original written decision and conclusions of fact of the board of zoning appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by the board of zoning appeals with the township 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 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 O.R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to 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 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.

**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.

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 following information. The zoning inspector shall require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution.

- A. The name, address, telephone number, fax number, and e-mail address of the applicant.
- B. The name, address, telephone number, fax number, and e-mail address of the owner of record.
- C. The address of the lot, if different from the applicant's current address, and PPN.
- D. Documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement). If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.
- E. A copy of the deed and legal description for the lot, as recorded with the Geauga County Recorder.
- F. The current zoning district in which the lot is located.
- G. A description of the existing use of the lot.
- H. A description of the proposed use of the lot.
- I. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
  - 1. The dimensions (in feet) of all lot lines and the total acreage of the 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; and, a copy of

the floor plan for each floor of the building or structure.

6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).
7. 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.
8. The height (in feet) of existing buildings or structures on the lot.
9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
10. The name and location of the existing road(s), public and private, adjacent to the lot.
11. The number of dwelling units existing (if any) and proposed for the lot.
12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.
13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.
14. For nonresidential, commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
15. The location and dimensions (in feet) of any existing or proposed easements on the lot.
16. The location and description of existing and proposed landscaping and buffer areas on the lot.
17. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
18. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
19. For nonresidential, commercial and industrial uses: the location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.

- 20. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
- 21. The type of surface material, dimensions (in feet), setback, and culvert pipe (including any bridge) for the driveway.
- J. Provide the type and design of any sign(s).
  - 1. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing:
    - a. The dimensions (in feet) of the sign.
    - b. The area of the sign (per sign face) in square feet.
    - c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.
    - d. The height (in feet) of the sign.
    - e. The method of illumination, if any.
    - f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).
- K. A copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.
- L. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the lot.
- M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The water management and sediment control regulations set forth in Article XVI may apply and may be required as a part of the application.
- N. The riparian setback regulations set forth in Article XV may apply and may be required as a part of the application.
- O. The application fee.

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 X 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 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 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 written 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 Ohio Revised Code or of any regulation or provision adopted by the board of township trustees under such sections, such board, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition

to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

**ARTICLE XII**  
**AMENDMENTS**

Section

1200.0 Procedure for Amendments to Zoning Resolution

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

1201.0 Contents of Application for a Zoning Amendment

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

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

Such application shall include the following information:

- A. The name, address, telephone number, fax number, and e-mail address of the applicant.
- B. The address(es) of the lot(s), if different from the applicant's current address and PPN.
- C. Describe the present use of the lot(s).
- D. Describe the present zoning classification of the lot(s).
- E. The text of the proposed amendment. Proposed new text shall be highlighted and existing text to be deleted shall be shown with strike-through.
- F. The proposed zoning district, if applicable.
- G. A copy of the recorded deed(s) of record with a legal description of the lot(s) included in the proposed amendment. An applicant shall be the record title owner of the lot(s) or an executed lease agreement for the affected lot(s) shall be provided and written evidence submitted that the lessee has the owner's consent to make application.
- H. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the lot(s).
- I. A copy of the official township zoning map with the lot(s) proposed to be

changed fully delineated and the proposed zoning district designation shown thereon, if applicable.

- J. A statement relative to the reason(s) for the proposed amendment and how it relates to the township land use plan.
- K. A 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 systems.
- L. A list of the addresses and PPN's from the county auditor's current tax list of all owners of property within and contiguous and directly across the road from the area to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.
- M. The application fee, as established by resolution of the board of township trustees, to defray the costs of advertising, mailing and other expenses.

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 Thompson Township Zoning Resolution to regulate wireless telecommunications antennas, towers, and facilities in order to promote public health, safety, and general welfare in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:
1. 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.

- 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 C, I, and CMR zoning district(s).

1302.0 Conditional Uses

A wireless telecommunications tower and appurtenant facilities may be located in the Public Recreation District or 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 by the Tower owner.

- 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 four (4) square feet, shall be posted on the site as well as an emergency telephone number. The applicant shall also provide the fire department, the township police (or county sheriff's) department, and the county emergency management agency with information on who to contact, an address, and a telephone number, fax number, and e-mail address 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-road parking space on the site.



M. The collocation of antennas on lawfully existing towers or structures shall be preferred over the construction of new wireless telecommunications tower sites. If there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on a lawfully existing tower or structure within the geographic area to be served, including the areas set forth in Section 1301.0, then with the zoning certificate application, the applicant shall list the location of every tower or structure and all the areas set forth in Section 1301.0 that could support the proposed antenna(s) so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on a lawfully existing tower or structure or a technically suitable location is not available in any area set forth in Section 1301.0. If another tower or structure or area set forth in Section 1301.0 is technically suitable, the applicant must show that it has requested to collocate on the existing tower and the collocation was rejected by the owner of the tower or structure or that it has requested all property owners with technically suitable locations within a two (2)-mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 1301.0 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to request for collocation within 30 days from the receipt of a written request sent by certified mail (return receipt requested) for collocation. If another telecommunications tower is technically suitable the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the township, if such a tower exists and space is available on the tower for collocation, which is owned or controlled by the applicant on reasonable reciprocal terms and the offer was not accepted.

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

1. The planned equipment would exceed the structural capacity of existing or approved towers or structures as documented by a licensed professional engineer; and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The proposed equipment would cause radio frequency interference with other existing or planned equipment which cannot be prevented at a reasonable cost as documented by a licensed professional engineer.
3. The existing or approved towers or structures do not have space on them to accommodate the proposed equipment so it can function effectively and reasonably as documented by a licensed professional engineer.
4. Collocation would violate federal, state, or county regulations.

5. The location of existing towers or buildings is not technically suitable due to topography or other impediments to transmission as documented by a licensed professional engineer.
  6. Existing or approved towers or structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
- N. The owner/operator of a free-standing monopole wireless telecommunications tower shall be required to allow collocation for a minimum of two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. The owner/operator of a free-standing lattice wireless telecommunications tower shall be required to allow collocation for a minimum of five (5) additional antenna platforms of equal loading capacity for five (5) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the zoning inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this regulation as well as all other applicable requirements, regulations and standards set forth herein.
- O. The owner of any wireless telecommunications tower erected under this section shall be required to accept collocation of any other antenna(s) except upon a showing of technological 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 two thousand (2,000) feet.
- S. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances are discontinued for sixty (60) consecutive days, 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 to be renewed every five (5) years 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 same.
  
- V. Free-standing wireless telecommunications towers, antennas, and appurtenances
  - 1. The maximum height of a freestanding monopole wireless telecommunications tower, including antenna(s), and appurtenances shall not exceed one hundred fifty (150) feet. The maximum height of 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 fifty percent (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. Within a residential zone, an equipment shelter shall be completely located below the natural

grade of the ground. There shall be no more than one (1) equipment shelter(s) located on a lot in conjunction with wireless telecommunications tower or antenna(s). An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.

4. A free-standing monopole wireless telecommunications tower shall be designed to support the collocation of at least three (3) antenna platforms of equal loading capacity. A free-standing lattice wireless telecommunications tower shall be designed to support the collocation of at least six (6) antenna platforms of equal loading capacity.
5. A wireless telecommunications tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in this section of the zoning resolution.

1303.0 Prohibited Areas

Except as noted in Sections 1301.0 and 1302.0, wireless telecommunications towers and facilities are prohibited in residential districts and no zoning certificate shall be issued therefore.

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. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to O.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.
- 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 road 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 right-of-ways. A copy of the structural design prints from the manufacturer shall be provided for a wireless telecommunications tower, antenna(s), and equipment shelter.
- C. The height of the telecommunications tower and all appurtenant facilities above grade shall be provided and all potential mounting positions and locations of antennas shall be shown in order to evaluate 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 stormwater runoff shall be submitted. The water management and sediment control regulations set forth in Article XVI may apply and may be required as a part of the site plan.
- I. The riparian setback regulations set forth in Article XV may apply and may be required as a part of the site plan.



## ARTICLE XIV

### ADULT ORIENTED BUSINESSES

#### Section

#### 1400.0 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 but shall not be limited to the foregoing areas.

“Adult media store” means an establishment that rents and / or sells media and that meets any of the following:

- Ten percent (10%) or more of the gross public floor area is devoted to adult media.
- Ten percent (10%) or more of the stock in trade consists of adult media.
- It advertises or markets itself in any forum as “X rated,” “adult,” “sex,” or otherwise as a sexually or adult oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.

“Adult motel or hotel” means an establishment which:

- Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”;
- Rents, leases, or offers sleeping rooms or suites for a period of time that is less than ten (10) hours; or
- Allows an occupant or tenant to sublet a room or suite for less than ten (10) hours; or
- Rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.

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

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

“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 ten percent (10%) 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 that contains more than five hundred (500) square feet of floor area.

#### 1401.0 Conditions for Adult Oriented Businesses

An adult oriented business shall be classified as a conditional use in the Industrial District.

An adult oriented business shall be subject to the procedure for conditional zoning certificates as set forth in Article V of this resolution, the general conditions for conditional uses as provided in Section 503.0 of this resolution,

and the following specific conditions. No person, proprietorship, partnership, corporation or any other legal entity shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provisions of this resolution. Nothing in this resolution shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film, video or other form of media or material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

- A. An adult oriented business shall be located more than fifteen hundred (1500) 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 (1000) 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 five hundred (500) 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-road 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, convenience, comfort, prosperity, or general welfare as determined by the board of zoning appeals.

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

Notwithstanding the provisions of this resolution regarding nonconforming buildings, structures, and uses, a lawfully existing adult oriented business in operation as a conforming use, shall not be rendered a nonconforming use by the subsequent location of a church or place of worship, public or private school, public park or playground, child day care center, governmental office, or public library within five hundred (500) feet, of a residential zoning district boundary or a residential use on a lot within three hundred (300) feet, of such adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.

## ARTICLE XV

### ESTABLISHMENT OF RIPARIAN SETBACKS

#### Section

1500.0

#### Purpose and Intent

- A. The specific purpose and intent of these regulations is to regulate the location of buildings, structures, uses, and related soil disturbing activities within riparian setback areas that would impair the ability of these areas to:
1. Preserve and conserve the quality and free flowing condition of designated watercourses in the interest of promoting and protecting public health and safety.
  2. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
  3. Assist in stabilizing the banks of designated watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.
  4. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses.
  5. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter such watercourses.
  6. Provide designated watercourse habitats with shade and food.
  7. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
  8. Provide riparian habitat with a wide array of wildlife by maintaining diverse and connected riparian vegetation.
  9. Minimize encroachment on designated watercourses and limiting the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses as well as to reduce the damage to real property and threats to public health and safety within the affected watershed.
- B. These regulations have been enacted to protect and enhance the functions of riparian areas by providing reasonable controls governing buildings, structures, uses, and related soil disturbing activities within a riparian setback along designated watercourses in the township.

Due to the importance of properly functioning riparian areas, minimum riparian setbacks may be given preference over minimum front, side, or rear yard setbacks as specified in this resolution in the consideration of an appeal for a variance by the board of zoning appeals.

1501.0 Applicability

- A. These regulations shall only apply when the following two (2) conditions are met:
  - 1. Soil disturbing activities regulated by this resolution are those proposed in, or within fifty (50) feet of, a riparian setback as set forth in these regulations; and
  - 2. A zoning certificate or conditional zoning certificate is required.
- B. These regulations shall apply to all zoning districts.
- C. The regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated watercourse, except as otherwise provided herein.
- D. The use of any building, structure or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Article IX, Nonconforming Buildings, Structures, and Uses.
- E. The repair, maintenance, extension, replacement, restoration, reconstruction or substitution of a building, structure or use lawfully existing prior to the effective date of these regulations may be continued or completed, subject to the provisions of Article IX, Nonconforming Buildings, Structures, and Uses.
- F. No zoning certificate or conditional zoning certificate shall be issued for any building, structure or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.

1502.0 Definitions

For the purpose of these regulations, the following terms shall have the meanings as provided herein.

- A. "Damaged or Diseased Trees" means trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or a structure.
- B. "Designated Watercourse" means a river or stream within a township that is in conformity with the criteria set forth in these regulations.



- C. "Federal Emergency Management Agency (FEMA)" means the agency with overall responsibility for administering the National Flood Insurance Program.
- D. "Impervious cover" means any paved, hardened or structural surface regardless of its composition including (but not limited to) buildings, roads, driveways, parking lots, loading/unloading spaces, decks, patios, and swimming pools.
- E. "In-Line pond" means a permanent pool of water created by impounding a designated watercourse.
- F. "Land Development Activity" means any change to the surface area of a lot including (but not limited to) clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.
- G. "Ohio Environmental Protection Agency" means the governmental agency referred to herein as the Ohio EPA.
- H. "One Hundred Year Floodplain" means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by the Federal Emergency Management Agency maps of the township.
- I. "Ordinary High Water Mark" means the point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction or prevention of woody terrestrial vegetation; a predominance of aquatic vegetation; or other easily recognized characteristic. The ordinary high water mark defines the bed and bank of a watercourse.
- J. "Riparian Area" means naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants or performs other functions consistent with the purposes of these regulations.
- K. "Riparian Setback" means the real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations.
- L. "Soil and Water Conservation District (SWCD)" means the Geauga County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees.
- M. "Soil Disturbing Activity" means clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

- N. "Waste Water Treatment Plant (WWTP)" means a facility at the end of a sanitary collection system, which processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA.
- O. "Watercourse" means any brook, channel, creek, river, or stream, either continuous or intermittent, having an established and defined bed and bank, as determined by the ordinary high water mark, and a definite direction of flow.
- P. "Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 C.F.R. 232, as amended).
- Q. "Wetlands, Category 1" means a low quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.
- R. "Wetlands, Category 2" means a medium quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.
- S. "Wetlands, Category 3" means a high quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

1503.0 Establishment of Designated Watercourses and Riparian Setbacks

- A. A designated watercourse shall include one or more of the following criteria.
  - 1. All watercourses draining an area equal to or greater than one-half (0.5) square mile, or
  - 2. All watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the zoning inspector may consult with representatives of the Geauga SWCD or other technical experts.
- B. Riparian setbacks on designated watercourses shall be established as follows.
  - 1. A minimum of seventy-five (75) feet on each side of all designated watercourses draining an area equal to or greater than one-half (0.5) square mile and up to twenty (20) square miles.
  - 2. A minimum of twenty-five (25) feet on each side of all designated watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined in these regulations.

C. The following regulations shall apply to riparian setbacks.

1. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of a designated watercourse, except for existing in-line ponds as addressed in Section 1503.0(C)(5).
2. Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.
3. Where the one hundred year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year floodplain as delineated on the flood hazard boundary map(s) for the affected area provided by FEMA.
4. Where a wetland is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the wetland, plus the following additional setback widths based upon the particular wetland category. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the lot owner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations. Such delineation is a requirement of the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency.
  - a. An additional minimum setback of fifty (50) feet extending beyond the outermost boundary of a category 3 wetlands.
  - b. An additional minimum setback of thirty (30) feet extending beyond the outermost boundary of a category 2 wetlands.
  - c. No additional setback shall be required beyond the outermost boundary of a category 1 wetlands.
5. The minimum riparian setback on an in-line pond existing at the time an application for a zoning certificate or a conditional zoning certificate is made under this resolution shall be measured from the ordinary high water mark of the designated watercourse as it enters said pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond. Riparian setbacks on in-line ponds existing at the time an application is made under this resolution shall be expanded to include wetlands and floodplains as detailed in Section 1503.0(C)(3) and (4). The creation of new in-line impoundments shall not be permitted under this resolution.

1504.0 Riparian Setback Guide Map

- A. The township shall create a guide map identifying designated watercourses and their riparian setbacks. Said guide map is attached hereto and made a part of this regulation and is identified as Exhibit "A." The riparian setback

guide map may be utilized as a reference document by the zoning inspector and the board of zoning appeals in determining when the riparian setback applies.

- B. Nothing herein shall prevent the township from amending the riparian setback guide map from time to time as may be necessary.
- C. If any discrepancy is found between the riparian setback guide map and these regulations, or if any discrepancy is found between existing site conditions and the riparian setback guide map, the criteria set forth in Section 1503.0 shall prevail.

#### 1505.0

#### Applications and Site Plan

- A. When making an application for a zoning certificate or a conditional zoning certificate for a building, structure or use regulated by this resolution and proposing soil disturbing activities regulated herein or within fifty (50) feet of a riparian setback, the owner shall be responsible for identifying riparian setbacks as required by these regulations and shall indicate such setbacks on a site plan submitted to the zoning inspector. The site plan shall be prepared by a professional engineer, surveyor, soils scientist, landscape architect or such other qualified individual and shall be based upon a survey of the affected lot. Two (2) copies of the site plan shall be submitted. In addition to the requirements set forth in this resolution for a zoning certificate or a conditional zoning certificate, the owner shall provide the following information to the zoning inspector.
  - 1. A site plan depicting the following, if applicable, as determined by the zoning inspector:
    - a. The boundaries of the lot with dimensions.
    - b. The location of all designated watercourses.
    - c. The limits, with dimensions, of the riparian setback.
    - d. The existing topography at intervals of two (2) feet.
    - e. The location and dimensions of any existing and proposed buildings, structures, and uses in relationship to all designated watercourses.
    - f. The description and location, with dimensions plus a calculation of the total area, of all land development activities, soil disturbance, and impervious cover.
    - g. The description and depiction of all erosion and sedimentation controls plus all storm water management controls, including all temporary and permanent best management practices.
    - h. If the lot included in the site plan is a part of a platted and recorded subdivision, the riparian setback shall be as shown on said plat.
    - i. North arrow, scale, date, and stamp bearing the name and registration number of the professional consultant who prepared the plan shall be provided.
  - 2. Such other supplementary information as may be necessary for the zoning inspector or the board of zoning appeals to ensure compliance with the provisions of these regulations.

- B. The zoning inspector, may, in reviewing the site plan, consult with the Geauga SWCD or such other expert(s) retained by the board of township trustees.
- C. If land development or soil disturbing activities will occur within fifty (50) feet of the outer boundary of the applicable riparian setback as specified in these regulations, then prior to the initiation of any land development or soil disturbing activities, the riparian setback shall be clearly delineated on the affected lot by the owner with construction fencing as shown on the site plan and shall be maintained on the lot until the completion of such development or disturbance activities.

1506.0 Permitted Buildings, Structures, and Uses Within a Riparian Setback Without a Zoning Certificate

The following buildings, structures, uses, and related soil disturbing activities may be permitted within a riparian setback without a zoning certificate. Other uses not requiring a zoning certificate or conditional zoning certificate under this resolution may also be permitted in the riparian setback.

- A. Recreational Activities: Fishing, hunting, picnicking, picnic tables, trails, walkways, and paths for non-motorized vehicles constructed of pervious materials.
- B. Removal of Damaged or Diseased Trees: Damaged or diseased trees and other associated debris may be removed.
- C. Maintenance and Repairs: Maintenance and repair on lawfully existing buildings, structures, and uses; roads; driveways; bridges; culverts; trails; walkways; paths; wastewater treatment plants and appurtenances; water wells; water treatment plants and appurtenances; storm sewers; and on-site sewage systems.
- D. Maintenance and Cultivation of Lawns and Landscaping: The maintenance of existing, and the cultivation of new, lawns, landscaping, shrubbery, and trees.
- E. Water Supply Wells: Water supply wells subject to the regulations enforced by the Geauga County General Health District or the Ohio EPA.
- F. Open Space: Passive open space to preserve the riparian setback area in its natural state.
- G. Composting: Composting of natural materials from the affected lot, not for commercial retail sale or use.
- H. On-site Sewage Systems and Waste Water Treatment Plants: On-site sewage systems and waste water treatment plants and appurtenances subject to the applicable regulations enforced by the Geauga County General Health District or the Ohio EPA. Proof of compliance with such regulations shall be required.

- I. Crossings: Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines (including sanitary sewer, water, septic system, storm sewer, electric, natural gas, telephone, and cable for television and other digital transmission), or other means may be permitted, subject to the other regulations contained in this resolution and the regulations enforced by the Geauga SWCD and the Geauga County Engineer. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the Zoning Inspector. Proof of compliance shall be the following:
  1. A site plan showing that any proposed project conforms to the general and special conditions of the applicable Nationwide Permit, or
  2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving the activities under the applicable Nationwide Permit, or
  3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

1507.0 Permitted Buildings, Structures, and Uses Within a Riparian Setback with a Zoning Certificate

The following buildings, structures, and uses may be permitted within a riparian setback, subject to the approval of an application for a zoning certificate by the zoning inspector and in accordance with the following regulations and such other applicable regulations contained in this zoning resolution.

- A. Streambank Stabilization Projects: Streambank stabilization projects along designated watercourses, subject to other regulations contained in this resolution and the regulations enforced by the Geauga SWCD. If streambank stabilization work is proposed below the ordinary high water mark of a designated watercourse, proof of compliance with the applicable conditions of U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall be provided to the zoning inspector. Proof of compliance shall be the following:
  1. A site plan showing that any proposed project conforms to the general and special conditions of Nationwide Permit 13, or
  2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or
  3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

- B. Signs: Signs in accordance with this zoning resolution
- C. Fences and walls: Fences and walls in accordance with this zoning resolution.
- D. Boat ramps, decks, and docks.

1508.0 Buildings, Structures, and Uses Prohibited Within a Riparian Setback

Any building, structure, use, or related soil disturbing activity not permitted under this resolution shall be prohibited within a riparian setback. The following buildings, structures, and uses are specifically prohibited.

- A. Construction: There shall be no buildings, structures, uses, or related soil disturbing activities of any kind except as permitted under these regulations.
- B. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities.
- C. Roads and Driveways: There shall be no roads or driveways except as permitted under these regulations.

1509.0 Inspections of Riparian Setbacks

The zoning inspector shall inspect the delineation of riparian setbacks.

- A. The owner shall notify the zoning inspector at least ten (10) working days prior to the initiation of any construction, land development or soil disturbing activities on a lot.
- B. The zoning inspector, with prior notice and the authorization of the owner, may enter the affected lot from time to time to conduct on-site inspections to ensure compliance with these regulations.

# Thompson Township Geauga County, Ohio Riparian Setback Guide Map Exhibit "A"

-  75 feet
-  25 feet
-  FEMA 100-Year Floodplain & Wetlands
-  Surface Water

Amendment No. 05-08 is Hereby Adopted By The  
Thompson Township Board Of Trustees This 16th  
Day Of January, 2008.

Frank Sirna, Trustee  
Erwin Leffel, Trustee  
Ben Smith, Trustee

Effective The 15th Day Of February, 2008.

Rachel Kuehn, Fiscal Officer

Lot Lines, Roads, And FEMA 100-Year Floodplains  
Updated This 2<sup>nd</sup> Day Of December, 2009.

  
Frank Sirna, Trustee

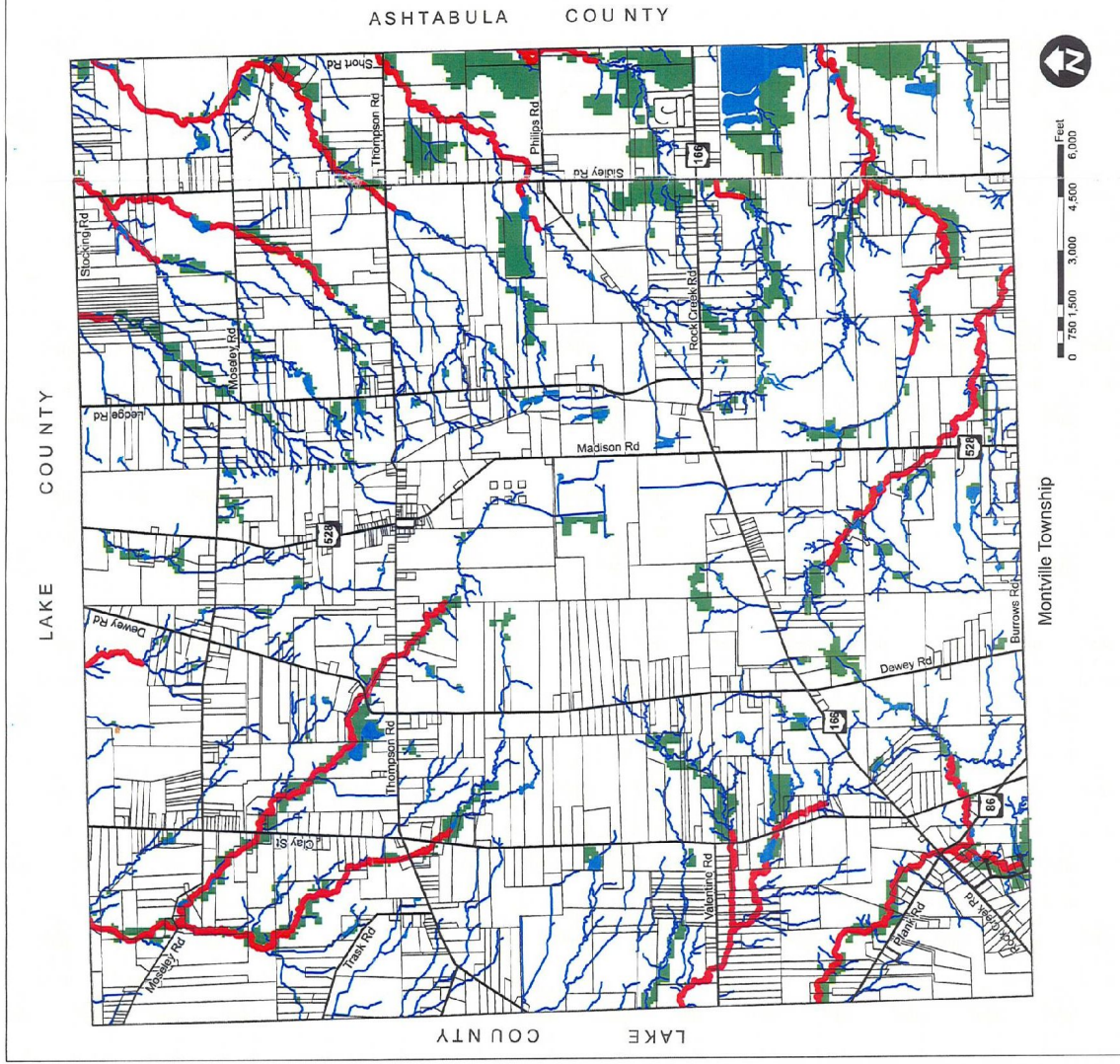
  
Erwin Leffel, Trustee

  
Ben Smith, Trustee

  
Rachel Kuehn, Fiscal Officer

Prepared by the Geauga County Planning Commission, September 24, 2007, version 1.0.  
Revised September, 2009.

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





## ARTICLE XVI

### WATER MANAGEMENT AND SEDIMENT CONTROL (WMSC)

#### Section

#### 1600.0 Purpose and Intent

- A. The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.
- B. These regulations are intended to:
  1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
  2. Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
- C. These regulations apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this zoning resolution, except as otherwise provided herein.

#### 1601.0 Words and Terms Defined

For the purpose of these regulations, the terms used herein shall have the meaning as set forth in the most recently adopted version of the Geauga County Water Management and Sediment Control (WMSC) Regulations administered by the Geauga Soil and Water Conservation District (SWCD). Said terms are adopted and made a part of these regulations as though fully rewritten herein.

#### 1602.0 Requirements and Application Procedures

- A. Two (2) sets of a Water Management and Sediment Control (WMSC) Plan shall be included with the application for a zoning certificate for any of the principal permitted, accessory, or conditional buildings, structures, and uses or off-road parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto, disturbing three hundred (300) square feet or more of land area on a lot or contiguous lots under the same ownership of record. A WMSC Plan must be submitted, reviewed and approved by the Geauga SWCD if one or more of the following conditions apply:
  1. If the disturbance (regardless of size) is planned on a subplot within a platted subdivision; or

2. If one (1) acre (43,560 square feet) or more of land area will be disturbed on a lot or on contiguous lots under the same ownership of record.
  - B. WMSC Plans are not required for any principal permitted, accessory, or conditional buildings, structures, or uses or off-road parking, loading/unloading areas allowed by this resolution or any additions or alterations thereto disturbing less than three hundred (300) square feet of land area on a lot or on contiguous lots under the same ownership of record, unless the disturbance is within a platted subdivision as set forth in paragraph (A) (1) hereinabove.
  - C. The contents of the WMSC Plan shall meet all requirements and recommendations for erosion and sediment control and storm water management contained in the most recent version of the Geauga County Water Management and Sediment Control Regulations.
  - D. If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency's (EPA) NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate WMSC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.
  - E. The zoning inspector shall review the WMSC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within thirty (30) working days after receipt of the Plan. The zoning inspector may advise applicants to submit the WMSC Plan to the Geauga SWCD for review provided, however, if the disturbance falls within conditions set forth in paragraph (A) (1) or (A) (2) hereinabove, then the zoning inspector shall require the applicant for a zoning certificate or a conditional zoning certificate to submit the WMSC Plan to the Geauga SWCD for review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Geauga County Water Management and Sediment Control Regulations. At the time the zoning inspector receives a revised Plan, another thirty (30) day review period shall begin.
  - F. Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without a WMSC Plan approved by the zoning inspector in accordance with these regulations or a copy of an approval letter or permit issued by the Geauga SWCD in accordance with the Geauga County WMSC Regulations that has been submitted with an application for a zoning certificate or a conditional zoning certificate.
  - G. Any addition or alteration to the site design as shown on the approved WMSC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the zoning inspector may consult with the Geauga SWCD. The zoning inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

## Compliance With State and Federal Regulations

- A. Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army Corps of Engineers, and/or other federal, state, and/or county agencies not listed herein, nor does it imply that the owner has met the requirements of those agencies. Such permits and/or approvals should be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail.
- B. Soil-disturbing activities regulated under these regulations may not begin until proof of compliance with all necessary state and federal permits as detailed below has been obtained or an explanation of why such permits are not required or applicable. The authorizing agencies cited herein are responsible for ensuring compliance with their respective permits. These permits may include, but are not limited to, the following:
1. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.
  2. If there is any indication or reasonable evidence that disturbance of an existing watercourse or wetland might occur, one (1) or all of the following may be required depending on the extent and type of the disturbance:
    - a. Jurisdictional Determination: Proof of compliance shall be a copy of the Jurisdictional Determination from the U.S. Army Corps of Engineers affirming the findings of a qualified professional's survey and report of the site.
    - b. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification approval, public notice, or a letter from a qualified professional who has surveyed the lot explaining why Section 401 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time an application is made under this regulation.
    - c. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit approval or a letter from a qualified professional who has surveyed the lot explaining why the Ohio EPA Isolated Wetland Permit is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time an application is made under these regulations.

- d. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
  - i. A letter from a qualified professional who has surveyed the site explaining why Section 404 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector.
  - ii. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations.
- e. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.

## ARTICLE XVII

### AGRICULTURE

#### Section

#### 1700.0 Definition of Agriculture

“Agriculture” is defined in Article II, Section 201.0 of this resolution.

#### 1701.0 Applicability of Regulations to Agriculture

- A. Except as otherwise provided herein, this resolution confers no power on the township zoning commission, the board of township trustees, or board of zoning appeals to 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.
- B. An application (Form No. 1-A) may be submitted to the zoning inspector demonstrating that the use of the affected land is for agricultural purposes or the construction or use of buildings or structures is incident to the use for agricultural purposes of the land on which such buildings or structures are located. The zoning inspector may then determine if no zoning certificate is required. No application fee is required.

#### 1702.0 Applicability of Regulations to Farm Markets

- A. In all zoning districts, this resolution confers no power on the township zoning commission, board of township trustees, or board of zoning appeals to prohibit 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.
- B. Off-road parking and driveways: See Article VI
- C. Setbacks: The minimum setbacks for the zoning district in which the farm market is located shall apply.

#### 1703.0 Applicability of Regulations to Biodiesel Production, Biomass Energy Production, or Electric or Heat Energy Production

- A. In all zoning districts, this resolution confers no power on the township zoning commission, board of township trustees, or board of zoning appeals to prohibit 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 Sections 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes.

- B. As used herein, “biodiesel,” “biomass energy,” and “electric or heat energy” have the same meaning as in Section 5713.30 of the Ohio Revised Code.

1704.0      Applicability of Regulations to Biologically Derived Methane Gas Production

- A. In all zoning districts, this resolution confers no power on the township zoning commission, board of township trustees, or board of zoning appeals to prohibit 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 Sections 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 British thermal units, five megawatts, or both.
- B. As used herein, “biologically derived methane gas” has the same meaning as in Section 5713.30 of the Ohio Revised Code.

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**FORM NO. 1**

**APPLICATION FOR A ZONING CERTIFICATE**

**THOMPSON 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:

Fax \_\_\_\_\_ Number \_\_\_\_\_ of \_\_\_\_\_ Applicant:

E-mail \_\_\_\_\_ Address \_\_\_\_\_ of \_\_\_\_\_ Applicant:

B. Name \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

Address \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

Telephone \_\_\_\_\_ Number \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

Fax \_\_\_\_\_ Number \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

E-mail \_\_\_\_\_ Address \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

C. Address \_\_\_\_\_ and \_\_\_\_\_ PPN \_\_\_\_\_ 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). If the applicant is not the record title owner of the lot, then

written evidence shall be required to be submitted that the applicant has the owner's consent to make application.

E. Attach a copy of the deed and legal description for 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; and, a copy of the floor plan for each floor of the building or structure.
6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).
7. 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; and, the distance between existing and proposed detached buildings and structures.
8. The height (in feet) of existing buildings or structures on the lot.

9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
10. The name and location of the existing road(s), public and private, adjacent to the lot.
11. The number of dwelling units existing (if any) and proposed for the lot.
12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.
13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.
14. For nonresidential, commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
15. The location and dimensions (in feet) of any existing or proposed easements on the lot.
16. The location and description of existing and proposed landscaping and buffer areas on the lot.
17. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
18. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
19. For nonresidential, commercial and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.
20. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
21. The type of surface material, dimensions (in feet), setback, and culvert pipe (including any bridge) for the driveway.

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 and side 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, not content).
- K. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.
- L. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the lot.
- M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The water management and sediment control regulations set forth in Article XVI may apply and may be required as a part of the application.
- N. The riparian setback regulations set forth in Article XV 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 understand that the zoning inspector may request additional information in order to ensure compliance with the zoning resolution.

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 lot 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

Application

Number:

\_\_\_\_\_

Zoning \_\_\_\_\_ Certificate \_\_\_\_\_ Number: \_\_\_\_\_

Date \_\_\_\_\_ Application \_\_\_\_\_ Received: \_\_\_\_\_

Amount of Fee Paid:  
\$ \_\_\_\_\_

Date of Action on Application: \_\_\_\_\_

Date Application Approved: \_\_\_\_\_

Date Zoning Certificate Issued: \_\_\_\_\_

Date Application Disapproved: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

I hereby acknowledge the receipt of this application for a zoning certificate this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Signature of Township Zoning Inspector

Print Name: \_\_\_\_\_

**FORM NO. 1-A**

**APPLICATION FOR AN AGRICULTURAL USE EXEMPTION**

**THOMPSON TOWNSHIP**

The undersigned hereby applies for an agricultural use exemption to the Thompson Township Zoning Resolution, said exemption 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 (OWNER OF RECORD OR DESIGNATED LEGAL REPRESENTATIVE) AND NOTARIZED.

A. Name \_\_\_\_\_ of \_\_\_\_\_ Applicant:

Address \_\_\_\_\_ of \_\_\_\_\_ Applicant:

Property Address (if different from above):

Permanent Parcel Number:

Telephone Number of Applicant:

Fax Number of Applicant:

E-mail Address of Applicant:

B. Zoning district in which lot is located:

C. Attach a copy of the deed of record for the lot.

D. The lot is within a platted and recorded subdivision or within an area of fifteen (15) or more contiguous recorded lots approved by the County Planning Commission:

\_\_\_\_\_ Yes or \_\_\_\_\_ No.

E. Attach a site plan showing the location(s) of any proposed building(s) and structure(s) with setbacks to the lot lines; and describe, in detail, the proposed agricultural use and any incidental building(s) and structure(s) including their size (in square feet):

\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_

The undersigned hereby certifies that all of the information supplied in this application and any attachments thereto 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. Furthermore, the undersigned hereby acknowledges that should the agricultural use cease and not be replaced with another agricultural use, any building(s) and structure(s) incidental thereto

must be in compliance with the zoning regulations for the affected zoning district and a zoning certificate shall be obtained.

In witness whereof, the undersigned hereunto set his/her/their hand(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
By (owner or legal representative)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

State of Ohio

County of \_\_\_\_\_

Before me, a notary public in and for said county and state personally appeared \_\_\_\_\_ who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed for the purposes therein expressed, in witness whereof, I have hereunto set my hand and affixed my official seal at \_\_\_\_\_, \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

Seal

\*\*\*\*\*

FOR OFFICIAL USE ONLY

Application number: \_\_\_\_\_

Date completed application received: \_\_\_\_\_

The proposed use and any building(s) and structure(s) incidental thereto are classified as agricultural pursuant to the Thompson Township Zoning Resolution and no zoning certificate is required.

— \_\_\_\_\_  
Signature of Township Zoning Inspector

Print Name: \_\_\_\_\_

— \_\_\_\_\_  
Date

Notes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FORM NO. 2**  
**ZONING CERTIFICATE**  
**THOMPSON TOWNSHIP**

No. \_\_\_\_\_

ISSUED \_\_\_\_\_ TO:

ADDRESS \_\_\_\_\_ OF \_\_\_\_\_ APPLICANT:

ADDRESS AND PPN 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.

FORM NO. 3
NOTICE OF VIOLATION
THOMPSON TOWNSHIP

Date: \_\_\_\_\_

TO:

You are hereby advised that you are in violation of Article \_\_\_\_\_, Section \_\_\_\_\_, paragraph \_\_\_\_\_ of the Thompson Township Zoning Resolution.

The nature of the violation is as follows:

Four horizontal lines for describing the violation, each starting with a dash.

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 Thompson Township Zoning Resolution and the Ohio Revised

Code. You have the right to appeal any decision of the Zoning Inspector in accordance with Article X of the Thompson Township Zoning Resolution.

\_\_\_\_\_  
Signature of Township Zoning Inspector

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-mail Address

**FORM NO. 4**

**COMPLAINT OF ZONING VIOLATION**

**THOMPSON TOWNSHIP**

This complaint is voluntarily given to the Thompson 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.

\_\_\_\_\_  
-  
\_\_\_\_\_

Provide the address, PPN, 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

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
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

**FORM NO. 5**

**REVOCATION OF ZONING CERTIFICATE**

**THOMPSON TOWNSHIP**

TO:

Date: \_\_\_\_\_

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):

\_\_\_\_\_  
-  
\_\_\_\_\_  
-

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---

Further use of the buildings, structures, or premises shall cease until a valid zoning certificate has been obtained. You have a right to appeal this matter to the township board of zoning appeals in accordance with Article X of the Thompson Township Zoning Resolution.

\_\_\_\_\_  
Signature of Township Zoning Inspector

Print Name:  
\_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-mail Address

**FORM NO. 6**

**STOP**

**ZONING VIOLATION**

**THOMPSON TOWNSHIP**

No. \_\_\_\_\_

NATURE OF SUCH VIOLATION BEING:

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-

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-

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-

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-

\_\_\_\_\_  
Signature of Township Zoning Inspector

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Date

**FORM NO. 7**

**APPLICATION FOR A CONDITIONAL ZONING CERTIFICATE**

**THOMPSON 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:

\_\_\_\_\_ Fax \_\_\_\_\_ Number \_\_\_\_\_ of \_\_\_\_\_ Applicant:

\_\_\_\_\_ E-mail \_\_\_\_\_ Address \_\_\_\_\_ of \_\_\_\_\_ Applicant:

B. \_\_\_\_\_ Name \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

\_\_\_\_\_ Address \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

\_\_\_\_\_ Telephone \_\_\_\_\_ Number \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

\_\_\_\_\_ Fax \_\_\_\_\_ Number \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

\_\_\_\_\_ E-mail \_\_\_\_\_ Address \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

C. \_\_\_\_\_ Address \_\_\_\_\_ and \_\_\_\_\_ PPN \_\_\_\_\_ of \_\_\_\_\_ the \_\_\_\_\_ Lot:

\_\_\_\_\_ (if different from applicant's current address)

D. Attach the names, addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road from the subject lot).

- E. Attach documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement). If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.
- F. Attach a copy of the deed and legal description for 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; and, a copy of the floor plan for each floor of the building or structure.
  6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).
  7. 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; and, the distance between existing and propose detached buildings and structures.
  8. The height (in feet) of existing buildings or structures on the lot.
  9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

10. The name and location of the existing road(s), public and private, adjacent to the lot.
11. The number of dwelling units existing (if any) and proposed for the lot.
12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.
13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.
14. For nonresidential, commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
15. The location and dimensions (in feet) of any existing or proposed easements on the lot.
16. The location and description of existing and proposed landscaping and buffer areas on the lot.
17. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
18. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
19. For nonresidential, commercial and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.
20. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
21. The type of surface material, dimensions (in feet), setback, and culvert pipe (including any bridge) for the driveway.

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

1. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing:
  - a. The dimensions (in feet) of the sign.
  - b. The area of the sign (per sign face) in square feet.
  - c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.
  - d. The height (in feet) of the sign.
  - e. The method of illumination, if any.
  - f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).



- L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.
- M. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.
- O. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The water management and sediment control regulations set forth in Article XVI may apply and may be required as a part of the application.
- P. The riparian setback regulations set forth in Article XV may apply and may be required as a part of the application.
- Q. 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 understand that the zoning inspector or the board of zoning appeals may request additional information in order to ensure compliance with the zoning resolution.

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 lot 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

Application \_\_\_\_\_

Number:

Conditional Zoning Certificate Number:

Date Application Received:

Amount of Fee Paid:  
\$ \_\_\_\_\_

Date of Public Hearing:

Date of Notice to Parties in Interest:

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

Date of Action on Application:

Date Conditional Zoning Certificate Issued:

I hereby acknowledge the receipt of this application for a conditional zoning certificate this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Signature of Township Zoning Inspector

Print Name: \_\_\_\_\_

**FORM NO. 8**

**NOTICE OF PUBLIC HEARING TO NEWSPAPER**

**APPLICATION FOR CONDITIONAL ZONING CERTIFICATE**

**THOMPSON TOWNSHIP**

Notice is hereby given that the Thompson 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 \_\_\_\_\_.

This application, submitted by \_\_\_\_\_ requests that:  
\_\_\_\_\_

---

—

(provide summary of application)

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—

---

—

---

—

be granted for the lot located at \_\_\_\_\_  
(address and PPN)

\_\_\_\_\_  
Signature of Chairman or Secretary  
of Township Board of Zoning Appeals

Print Name: \_\_\_\_\_

Publish: (provide date)

**FORM NO. 9**  
**NOTICE OF PUBLIC HEARING TO PROPERTY OWNER**  
**(CONDITIONAL ZONING CERTIFICATE)**  
**THOMPSON TOWNSHIP**

Date:

TO:

Dear

This is to inform you that the Thompson 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 \_\_\_\_\_.

This application, submitted by \_\_\_\_\_ requests that

---

—

(provide summary of application)

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—

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—

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—

---

—

---

—

be granted for the lot located at \_\_\_\_\_  
(address and PPN)

\_\_\_\_\_  
Signature of Chairman or Secretary  
of Township Board of Zoning Appeals

Print Name: \_\_\_\_\_

**FORM NO. 10**  
**CONDITIONAL ZONING CERTIFICATE**

**THOMPSON TOWNSHIP**

No. \_\_\_\_\_

ISSUED \_\_\_\_\_ TO:

ADDRESS \_\_\_\_\_ OF \_\_\_\_\_ APPLICANT:

ADDRESS AND PPN OF PROPERTY (if different from above):  
\_\_\_\_\_

ZONING \_\_\_\_\_ CLASSIFICATION:

DESCRIPTION \_\_\_\_\_ OF \_\_\_\_\_ USE:

EXPIRATION \_\_\_\_\_ DATE \_\_\_\_\_ OF \_\_\_\_\_ CERTIFICATE:

SPECIFIC CONDITIONS:

1. COMPLY WITH ALL OF THE GENERAL CONDITIONS SET FORTH IN ARTICLE V, SECTION 505.0.
2. [SET FORTH OTHER SPECIFIC CONDITIONS HERE]
- 3.

\_\_\_\_\_  
Signature of Township Zoning Inspector

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Date

NOTE: THIS CERTIFICATE MUST BE POSTED ON THE PROPERTY.

**FORM NO. 11**  
**REVOCATION OF CONDITIONAL ZONING CERTIFICATE**  
**THOMPSON 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

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-mail Address

**FORM NO. 12**  
**NOTICE OF APPEAL**  
**(REQUESTING A VARIANCE)**  
**THOMPSON TOWNSHIP**

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

A. Name \_\_\_\_\_ of \_\_\_\_\_ Appellant:

\_\_\_\_\_  
Address \_\_\_\_\_ of \_\_\_\_\_ Appellant:

\_\_\_\_\_  
Telephone \_\_\_\_\_ Number \_\_\_\_\_ of \_\_\_\_\_ Appellant:

\_\_\_\_\_  
Fax \_\_\_\_\_ Number \_\_\_\_\_ of \_\_\_\_\_ Appellant:

\_\_\_\_\_  
E-mail \_\_\_\_\_ Address \_\_\_\_\_ of \_\_\_\_\_ Appellant:

B. Name \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

\_\_\_\_\_  
Address \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

\_\_\_\_\_  
Telephone \_\_\_\_\_ Number \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

\_\_\_\_\_  
Fax \_\_\_\_\_ Number \_\_\_\_\_ of \_\_\_\_\_ Owner \_\_\_\_\_ of \_\_\_\_\_ Record:

E-mail                      Address                      of                      Owner                      of                      Record:

\_\_\_\_\_

C. Address                      and                      PPN                      of                      the                      Lot:

\_\_\_\_\_

(if different from Appellant's current address)

D. Attach the names, addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road 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). If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.

F. Attach a copy of the deed and legal description for 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; and, a copy of the floor plan for each floor of the building or structure.

6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).
7. 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; and, the distance between existing and proposed detached buildings and structures.
8. The height (in feet) of existing buildings or structures on the lot.
9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
10. The name and location of the existing road(s), public and private, adjacent to the lot.
11. The number of dwelling units existing (if any) and proposed for the lot.
12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article VI, Section 607.0.
13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.
14. For nonresidential, commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
15. The location and dimensions (in feet) of any existing or proposed easements on the lot.
16. The location and description of existing and proposed landscaping and buffer areas on the lot.
17. The existing topography of the lot, at contours intervals of two (2) feet, and a final grading plan.
18. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
19. For nonresidential, commercial and industrial uses: The location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.
20. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
21. The type of surface material, dimensions (in feet), setback, and culvert pipe (including any bridge) for the driveway.

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 and side lot lines.
  - d. The height (in feet) of the sign.
  - e. The method of illumination, if any.
  - f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).
  
- L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.
  
- M. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.
  
- N. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The water management and sediment control regulations set forth in Article XVI may apply and may be required as a part of the application.
  
- O. The riparian setback regulations set forth in Article XV may apply and may be required as a part of the application.
  
  
- P. 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?

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- b. Did the applicant create these conditions?

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- c. Whether the variance would adversely affect the rights of adjacent owners?

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—

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

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—

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

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—

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

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—

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

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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 understand that the zoning inspector or the board of zoning appeals may request additional information in order to ensure compliance with the zoning resolution.

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

Application \_\_\_\_\_ Number: \_\_\_\_\_

Zoning \_\_\_\_\_ Certificate \_\_\_\_\_ Application \_\_\_\_\_ Number: \_\_\_\_\_

Date \_\_\_\_\_ Notice \_\_\_\_\_ Filed \_\_\_\_\_ with \_\_\_\_\_ Zoning \_\_\_\_\_ Inspector: \_\_\_\_\_

Date \_\_\_\_\_ Notice \_\_\_\_\_ Filed \_\_\_\_\_ with \_\_\_\_\_ Board \_\_\_\_\_ of \_\_\_\_\_ Zoning \_\_\_\_\_ Appeals: \_\_\_\_\_

Date \_\_\_\_\_ of \_\_\_\_\_ Notice \_\_\_\_\_ to \_\_\_\_\_ Parties \_\_\_\_\_ in \_\_\_\_\_ Interest: \_\_\_\_\_

Date \_\_\_\_\_ of \_\_\_\_\_ Notice \_\_\_\_\_ in \_\_\_\_\_ Newspaper: \_\_\_\_\_

(provide name of newspaper)

Date \_\_\_\_\_ of \_\_\_\_\_ Public \_\_\_\_\_ Hearing: \_\_\_\_\_

Amount \_\_\_\_\_ of \_\_\_\_\_ Appeal \_\_\_\_\_ Fee \_\_\_\_\_ Paid: \_\_\_\_\_  
\$ \_\_\_\_\_

I hereby acknowledge receipt of this notice of appeal requesting a variance this \_\_\_\_\_ day

of \_\_\_\_\_ 20\_\_.

—

\_\_\_\_\_  
Signature of Chairman or Secretary  
of Township Board of Zoning Appeals

Print

Name:

\_\_\_\_\_

**FORM NO. 13**

**NOTICE OF PUBLIC HEARING TO NEWSPAPER**

**APPEAL FOR VARIANCE TO THOMPSON TOWNSHIP**

**ZONING RESOLUTION**

Notice is hereby given that the Thompson Township Board of Zoning Appeals will conduct a public hearing on an application, identified as number \_\_\_\_\_, on an appeal for a variance to the Thompson Township Zoning Resolution on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_\_ m. at \_\_\_\_\_.

This application, submitted by \_\_\_\_\_ requests that:

\_\_\_\_\_

\_\_\_\_\_

-  
-  
-  
-  
-  
-  
-

(provide summary of application)

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be granted for the lot located at \_\_\_\_\_  
(address and PPN)

\_\_\_\_\_  
Signature of Chairman or Secretary  
of Township Board of Zoning Appeals

Print Name: \_\_\_\_\_

Publish: (provide date)

**FORM NO. 14**  
**NOTICE OF PUBLIC HEARING TO PROPERTY OWNER**  
**(ZONING APPEAL REQUESTING A VARIANCE)**  
**THOMPSON TOWNSHIP**

Date:

TO:

Dear

This is to inform you that the Thompson 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 \_\_\_\_\_.

This application, submitted by \_\_\_\_\_ requests that

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-

(provide summary of application)

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-

be granted for the lot located at \_\_\_\_\_.  
(address and PPN)

\_\_\_\_\_  
Signature of Chairman or Secretary  
of Township Board of Zoning Appeals

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Date



**FORM NO. 15**  
**NOTICE OF APPEAL**  
**(ALLEGING ERROR BY ZONING INSPECTOR)**  
**THOMPSON TOWNSHIP**

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

- A. Name of Appellant: \_\_\_\_\_  
Address of Appellant: \_\_\_\_\_  
Telephone Number of Appellant: \_\_\_\_\_  
Fax Number of Appellant: \_\_\_\_\_  
E-mail Address of Appellant: \_\_\_\_\_
- B. Name of Owner of Record: \_\_\_\_\_  
Address of Owner of Record: \_\_\_\_\_  
Telephone Number of Owner of Record: \_\_\_\_\_  
Fax Number of Owner of Record: \_\_\_\_\_  
E-mail Address of Owner of Record: \_\_\_\_\_
- C. Address and PPN of the Lot: \_\_\_\_\_  
(if different from Appellant's current address)
- D. Attach the names, addresses, and PPN's of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road 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). If the applicant is not the record title owner of the lot, then written evidence shall be required to be submitted that the applicant has the owner's consent to make application.
- F. Attach a copy of the deed and legal description for 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; and, a copy of the floor plan for each floor of the building or structure.
  6. The percentage and area (in square feet) of lot coverage by existing and proposed buildings and structures including parking area(s), loading/unloading space(s), and driveway(s).
  7. 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; and, the distance between existing and proposed detached buildings and structures.
  8. The height (in feet) of existing buildings or structures on the lot.
  9. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
  10. The name and location of the existing road(s), public and private, adjacent to the lot.
  11. The number of dwelling units existing (if any) and proposed for the lot.
  12. The location, dimensions (in feet), setbacks from all lot lines, and number of parking spaces existing (if any) and proposed including handicapped parking spaces per Article Vi, Section 607.0.
  13. The location, dimensions (in feet), and setbacks from all lot lines of driveways existing (if any) and proposed.
  14. For nonresidential, commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
  15. The location and dimensions (in feet) of any existing or proposed easements on the lot.
  16. The location and description of existing and proposed landscaping and buffer areas on the lot.
  17. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.

18. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.
  19. The location of any exterior lighting poles and fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
  20. For nonresidential, commercial and industrial uses: the location and dimensions of any exterior display, sales, storage, and trash receptacle areas on the lot.
  21. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
  22. The type of surface material, dimensions (in feet), setback, and culvert pipe (including any bridge) for the driveway.
- 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 and side lot lines.
    - d. The height (in feet) of the sign.
    - e. The method of illumination, if any.
    - f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo, not content).
- L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority; or, if along a state highway, the access permit issued by the Ohio Department of Transportation, if applicable.
- M. Written documentation shall be provided that the appropriate governmental agency has approved the sewage treatment system to serve the proposed use on the affected lot.
- N. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The water management and sediment control regulations set forth in Article XVI may apply and may be required as a part of the application.
- O. The riparian setback regulations set forth in Article XV may apply and may be required as a part of the application.
- P. The following error was made by the zoning inspector in his determination of the application for the zoning certificate:

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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 understand that the zoning inspector or the board of zoning appeals may request additional information in order to ensure compliance with the zoning resolution.

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

Application Number: \_\_\_\_\_

Zoning Certificate Application Number: \_\_\_\_\_

Zoning Certificate Number: \_\_\_\_\_

Date Notice Filed with Zoning Inspector: \_\_\_\_\_

Date Notice Filed with Board of Zoning Appeals: \_\_\_\_\_

Date of Notice to Parties in Interest: \_\_\_\_\_

Date of Notice in Newspaper: \_\_\_\_\_  
(provide name of newspaper)

Date of Public Hearing: \_\_\_\_\_

Amount of Appeal Fee Paid: \$ \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Chairman or Secretary of  
Township Board of Zoning Appeals

Print Name: \_\_\_\_\_

FORM NO. 16

NOTICE OF PUBLIC HEARING TO PROPERTY OWNER

(ZONING APPEAL ALLEGING ERROR)

THOMPSON TOWNSHIP

Date: \_\_\_\_\_

TO:

Dear

This is to inform you that the Thompson 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 \_\_\_\_\_.

This application, submitted by \_\_\_\_\_ requests that \_\_\_\_\_

\_\_\_\_\_  
(provide summary of application)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

be granted for the lot located at \_\_\_\_\_  
(address and PPN)

\_\_\_\_\_  
Signature of Chairman or Secretary of  
Township Zoning Appeals

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Date

FORM NO. 17

NOTICE OF PUBLIC HEARING TO NEWSPAPER

APPEAL ALLEGING ERROR BY

THOMPSON TOWNSHIP ZONING INSPECTOR

Notice is hereby given that the Thompson Township Board of Zoning Appeals will conduct a public hearing on an application, identified as number \_\_\_\_\_, on an appeal alleging error by the Thompson Township Zoning Inspector on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_m. at \_\_\_\_\_.

This application, submitted by \_\_\_\_\_ requests that: \_\_\_\_\_

\_\_\_\_\_  
(provide summary of application)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

be granted for the lot located at \_\_\_\_\_  
(address and PPN)

\_\_\_\_\_  
Signature of Chairman or Secretary of  
Township Board of Zoning Appeals

Print Name: \_\_\_\_\_

Publish: \_\_\_\_\_, 20\_\_

FORM NO. 18

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

NO. \_\_\_\_\_ - \_\_\_\_\_  
(Year)

At a public meeting held by the Thompson 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 Thompson Township Zoning Resolution.
2. The real property is located at \_\_\_\_\_ in the \_\_\_\_\_ zoning district of \_\_\_\_\_ Township. (street address and PPN)
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):

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

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6. Appellant (has) (has not) shown the existence of (an unnecessary hardship) (practical difficulties) pursuant to Article(s) \_\_\_\_\_, Section(s) \_\_\_\_\_ of the Thompson 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: \_\_\_\_\_



FORM NO. 19

THOMPSON TOWNSHIP BOARD OF ZONING APPEALS  
DECISION RELATING TO APPEAL FOR VARIANCE

NO. \_\_\_\_\_ - \_\_\_\_\_  
(Year)

At a public meeting held by the Thompson 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 and PPN)

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 |
|---|-----------|
| _____<br>Member, Board of Zoning Appeals<br>Print Name: _____ | _____     |
| _____<br>Member, Board of Zoning Appeals<br>Print Name: _____ | _____     |
| _____<br>Member, Board of Zoning Appeals<br>Print Name: _____ | _____     |
| _____<br>Member, Board of Zoning Appeals<br>Print Name: _____ | _____     |
| _____<br>Member, Board of Zoning Appeals<br>Print Name: _____ | _____     |

Attested to by: \_\_\_\_\_  
(Chairman) (Secretary) Board of Zoning Appeals  
Print Name: \_\_\_\_\_  
\_\_\_\_\_  
Date

FORM NO. 20

NOTICE OF ACTION

BY THOMPSON TOWNSHIP BOARD OF ZONING APPEALS

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RE: Application for Appeal No. \_\_\_\_\_

Dear \_\_\_\_\_:

Please be advised that the Thompson 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 Township Board of Zoning Appeals

Print Name: \_\_\_\_\_

**FORM NO. 21**

**APPLICATION FOR A ZONING AMENDMENT**

**THOMPSON TOWNSHIP**

**O.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 Thompson Township Zoning Resolution.

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

- A. Name of Applicant: \_\_\_\_\_  
Address of Applicant: \_\_\_\_\_  
Telephone Number of Applicant: \_\_\_\_\_  
Fax Number of Applicant: \_\_\_\_\_  
E-mail Address of Applicant: \_\_\_\_\_
- B. Address(es) and PPN(s) of the lot(s): \_\_\_\_\_  
\_\_\_\_\_
- C. Describe the present use of the lot(s): \_\_\_\_\_
- D. Describe the present zoning classification of the lot(s): \_\_\_\_\_
- E. Provide the text of the proposed amendment: (use strike-through on any existing text to be deleted and highlight proposed text) \_\_\_\_\_  
\_\_\_\_\_
- F. What is the proposed zoning district classification? (if applicable) \_\_\_\_\_  
\_\_\_\_\_
- G. Attach a copy of the deed(s) of record with a legal description for the lot(s) included in the proposed amendment. The applicant shall be the record title owner of the lot or an executed lease agreement for the affected lot shall be provided and written evidence submitted that the lessee has the owner's consent to make application.
- H. Attach a map, drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the lot(s).
- 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 systems.
- L. Provide a list of the addresses and PPN's from the county auditor's current tax list of all owners of property within and contiguous and directly across the road 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

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: \$ \_\_\_\_\_

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: \_\_\_\_\_

FORM NO. 22

MOTION TO INITIATE AMENDMENT

TO THOMPSON TOWNSHIP ZONING RESOLUTION

O.R.C. 519.12 (A)

\_\_\_\_\_ moved the adoption of the following motion:

That an amendment to the Thompson 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 Thompson 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

Note: Existing text, in the attached exhibit, to be deleted shall be in strike-through and proposed text shall be highlighted.

**FORM NO. 23**  
**MOTION TO INITIATE AMENDMENT**  
**TO THOMPSON TOWNSHIP ZONING RESOLUTION**  
**AND ZONING MAP**  
**O.R.C. 519.12 (A)**

\_\_\_\_\_ moved the adoption of the following motion:

That an amendment to the Thompson 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 \_\_\_\_\_ Township Zoning Map marked Exhibit \_\_\_\_\_ and attached hereto and incorporated herein, be hereby initiated by the \_\_\_\_\_ 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

Note: Existing text, in the attached exhibit, to be deleted shall be in strike-through and proposed text shall be highlighted. A proposed rezoning shall be shown on the zoning map, attached in the exhibit, by identifying and delineating the existing zoning district classification and the proposed zoning district classification.

FORM NO. 24

RESOLUTION TO INITIATE AMENDMENT

TO THOMPSON TOWNSHIP ZONING RESOLUTION

O.R.C. 519.12 (A)

\_\_\_\_\_ moved the adoption of the following resolution:

That an amendment to the Thompson 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 Thompson 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:

\_\_\_\_\_ Township Fiscal Officer

Print Name: \_\_\_\_\_

\_\_\_\_\_ Date

Note: Existing text, in the attached exhibit, to be deleted shall be in strike-through and proposed text shall be highlighted.

**FORM NO. 25**  
**RESOLUTION TO INITIATE AMENDMENT**  
**TO THOMPSON TOWNSHIP ZONING RESOLUTION**  
**AND ZONING MAP**  
**O.R.C. 519.12 (A)**

\_\_\_\_\_ moved the adoption of the following resolution:

That an amendment to the Thompson 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 Thompson Township Zoning Map marked Exhibit \_\_\_\_\_ and attached hereto and incorporated herein, be hereby initiated by the Thompson 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:

\_\_\_\_\_ Township Fiscal Officer

Print Name: \_\_\_\_\_

\_\_\_\_\_ Date

Note: Existing text, in the attached exhibit, to be deleted shall be in strike-through and proposed text shall be highlighted. A proposed rezoning shall be shown on the zoning map, attached in the exhibit, by identifying and delineating the existing zoning district classification and the proposed zoning district classification.



**FORM NO. 26**  
**CERTIFICATION OF RESOLUTION**  
**TO INITIATE PROPOSED**  
**AMENDMENT TO ZONING RESOLUTION**  
**TO TOWNSHIP ZONING COMMISSION**  
**O.R.C. 519.12 (A)**

I, \_\_\_\_\_, Fiscal Officer of Thompson 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 Thompson 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 \_\_\_\_.

\_\_\_\_\_  
Township Fiscal Officer

Print Name: \_\_\_\_\_

Received by Thompson 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.

**FORM NO. 27**  
**MOTION TO SET DATE**  
**FOR PUBLIC HEARING ON**  
**PROPOSED AMENDMENT TO**  
**TOWNSHIP ZONING RESOLUTION**  
**O.R.C. 519.12 (A) or (E)**

The Thompson Township (Board of Township Trustees) (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 Thompson Township (Board of Township Trustees) (Zoning Commission) conduct a public hearing on the proposed amendment, identified as number \_\_\_\_\_, to the Thompson Township Zoning Resolution as attached hereto on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ m. at the \_\_\_\_\_.

\_\_\_\_\_ seconded the motion and the roll being called, the vote of the Thompson 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:

\_\_\_\_\_  
(Township 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.

**FORM NO. 28**

**NOTICE OF PUBLIC HEARING**

**ON (MOTION) (RESOLUTION) (APPLICATION)**

**PROPOSING TO AMEND**

**THE THOMPSON TOWNSHIP ZONING RESOLUTION**

**O.R.C. 519.12 (C)**

Notice is hereby given that the Thompson Township Zoning Commission will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number \_\_\_\_\_, to the Thompson Township Zoning Resolution at the \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_m. on \_\_\_\_\_, 20 \_\_\_\_.

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

---

---

---

---

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

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

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the \_\_\_\_\_ from \_\_\_\_\_ o'clock \_\_\_m. to \_\_\_\_\_ o'clock \_\_\_m. from \_\_\_\_\_, 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 road from the area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list.

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

**FORM NO. 29**  
**NOTICE OF PUBLIC HEARING**  
**ON (MOTION) (RESOLUTION) (APPLICATION)**  
**PROPOSING TO AMEND**  
**THE THOMPSON TOWNSHIP ZONING RESOLUTION**  
**O.R.C. 519.12 (D)**

Notice is hereby given that the Thompson Township Zoning Commission will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number \_\_\_\_\_, to the Thompson Township Zoning Resolution at the \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_ m. on \_\_\_\_\_, 20 \_\_\_\_.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the \_\_\_\_\_ from \_\_\_\_\_ o'clock \_\_\_ m. to \_\_\_\_\_ o'clock \_\_\_ m. from \_\_\_\_\_, 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.

FORM NO. 30

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

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

Thompson 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: \_\_\_\_\_

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.



FORM NO. 31

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

The Thompson 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 Thompson Township Zoning Commission recommend the (approval) (denial) of the proposed amendment to the Thompson Township Zoning Resolution as attached hereto  
or

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

set forth modification

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ seconded the motion and the roll being called the vote of the Thompson 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 Thompson Township Board of Township Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Township 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.

FORM NO. 32

SUBMISSION OF RECOMMENDATION  
OF 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  
O.R.C. 519.12 (E)

The Thompson Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number \_\_\_\_\_, to the Thompson 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 Thompson Township Board of Township Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Thompson Township Zoning Commission

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Secretary, Township Zoning Commission

Print Name: \_\_\_\_\_

Attested to by:

Received by Thompson Township Board of Township Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Township Fiscal Officer

Print Name: \_\_\_\_\_

**FORM NO. 33**

**NOTICE OF PUBLIC HEARING**

**ON (MOTION) (RESOLUTION) (APPLICATION)**

**PROPOSING TO AMEND**

**THE THOMPSON TOWNSHIP ZONING RESOLUTION**

**O.R.C. 519.12 (F)**

Notice is hereby given that the Thompson 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 Thompson Township Zoning Resolution at the \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_m. on \_\_\_\_\_, 20 \_\_\_\_.

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

---

---

---

---

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

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

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the \_\_\_\_\_ from \_\_\_\_\_ o'clock \_\_\_m. to \_\_\_\_\_ o'clock \_\_\_m. from \_\_\_\_\_, 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.

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

**FORM NO. 34**

**NOTICE OF PUBLIC HEARING**

**ON (MOTION) (RESOLUTION) (APPLICATION)**

**PROPOSING TO AMEND**

**THE THOMPSON TOWNSHIP ZONING RESOLUTION**

**O.R.C. 519.12 (G)**

Notice is hereby given that the Thompson 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 Thompson Township Zoning Resolution at the \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_m. on \_\_\_\_\_, 20 \_\_\_\_.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the \_\_\_\_\_ from \_\_\_\_\_ o'clock \_\_\_\_m. to \_\_\_\_\_ o'clock \_\_\_\_m. from \_\_\_\_\_, 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.

FORM NO. 35

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

The Thompson Township Board of Township Trustees, Geauga County, Ohio met in \_\_\_\_\_ session on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ 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 Thompson 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 Thompson 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 Thompson Township Board of Township Trustees, Geauga County, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ hereby adopts an amendment to the Thompson 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 Thompson 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:

\_\_\_\_\_  
Township 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 township 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.

**FORM NO. 36**

**FILING OF ZONING AMENDMENT ADOPTED**

**BY THOMPSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES**

**WITH GEAUGA COUNTY RECORDER**

**O.R.C. 519.12 (H)**

The attached copy of a zoning amendment, identified as number \_\_\_\_\_, to the Thompson 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 Thompson Township.

\_\_\_\_\_, Fiscal Officer

Print Name: \_\_\_\_\_

Thompson 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.

**FORM NO. 37**

**FILING OF ZONING AMENDMENT ADOPTED**

**BY THOMPSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES**

**WITH GEAUGA COUNTY PLANNING COMMISSION**

**O.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 Thompson Township.

\_\_\_\_\_, Fiscal Officer

Print Name: \_\_\_\_\_

Thompson 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.

Section 519.12 of the Ohio Revised Code  
Zoning Amendments

- (A) (1) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application 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 to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.
- (2) Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A)(1) of this section with the commission, the commission shall set a date for a public hearing which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the 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.
- (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 township 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 those owners appearing on the county auditor's current tax list. The failure of delivery of that 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 include all of the following:
  - (1) The name of the township zoning commission that will be conducting the 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 those 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 that 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 hearing;
- (6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
  - (7) Any other information requested by the commission;
  - (8) A statement that after the conclusion of the 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 include all of the following:
- (1) The name of the township zoning commission that will be conducting the 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 hearing;
  - (4) The name of the person responsible for giving notice of the hearing by publication;
  - (5) A statement that after the conclusion of the hearing the matter will be submitted to the board of township trustees for its action;
  - (6) Any other information requested by the commission.
- (E) Within five (5) days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it 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 of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment.

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

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

- (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 include all of the following:
  - (1) The name of the board of township trustees that will be conducting the hearing;
  - (2) A statement indicating that the motion, application, or resolution 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 those 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 that 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 hearing;
  - (6) The name of the person responsible for giving notice of the hearing by publication, 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 include all of the following:
  - (1) The name of the board of township trustees that will be conducting the 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 hearing;
  - (4) The name of the person responsible for giving notice of the hearing by publication;

(5) Any other information requested by the board.

(H) Within twenty (20) days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, the unanimous vote of the board shall be required.

The proposed amendment, if adopted by the board, shall become effective in thirty (30) days after the date of its adoption, unless, within thirty (30) days after the adoption, 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 of that unincorporated area 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 that 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 that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least seventy-five (75) days after the petition is filed. 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 Ohio 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 Thompson Township, Geauga County, Ohio, adopted June 2, 2004 (followed by brief summary of the proposal).

To the Board of Township Trustees of Thompson Township, Geauga County, Ohio:

We, the undersigned, being electors residing in the unincorporated are of Thompson Township, included within the Thompson 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 Thompson Township residing within the unincorporated area of the township included in the Thompson Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the primary or general election to be held on \_\_\_\_\_ (date), pursuant to Section 519.12 of the Ohio Revised Code.

|           |                             |          |          |        |                    |
|-----------|-----------------------------|----------|----------|--------|--------------------|
| Signature | Street Address<br>or R.F.D. | Township | Precinct | County | Date of<br>Signing |
|-----------|-----------------------------|----------|----------|--------|--------------------|

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**STATEMENT OF CIRCULATOR**

I, ..... (name of circulator) ..... declare under penalty of election falsification that I am an elector of the state of Ohio and reside at the address appearing below my signature that I am the circulator of the foregoing part petition containing . ..... (number) ..... signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my 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)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.”

The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two (2) weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than ninety (90) days prior to the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a



petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least seventy-five (75) days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

No amendment for which such a 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 county or regional planning commission, if one exists.

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  
O.R.C. SECTION 519.12

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|---|--|
| <p>(1) INITIATE AMENDMENT: APPLICATION BY PROPERTY OWNER OR LESSEE MOTION BY TOWNSHIP ZONING COMMISSION RESOLUTION BY BOARD OF TOWNSHIP TRUSTEES</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>(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>(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>(5) COUNTY PLANNING COMMISSION REVIEWS AMENDMENT AND OFFERS ITS FORMAL RECOMMENDATION TO THE TOWNSHIP ZONING COMMISSION.</p> <p>(6) TOWNSHIP ZONING COMMISSION HOLDS PUBLIC HEARING AND CONSIDERS RECOMMENDATION OF COUNTY PLANNING COMMISSION</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>(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>(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>(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>(11) BOARD OF TOWNSHIP TRUSTEES HOLDS PUBLIC HEARING. BOARD REVIEWS RECOMMENDATIONS OF COUNTY PLANNING COMMISSION AND TOWNSHIP ZONING COMMISSION.</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 MAJORITY VOTE OF THE BOARD IS REQUIRED.</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>(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>(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> |  |