ZONING RESOLUTION
RUSSELL TOWNSHIP

Geauga County, Ohio



This Zoning Resolution is based upon a Comprehensive Land Use Guide Plan entitled: Russell Township: Stewards of the Land, recommended by the Russell Township Zoning Commission on August 19, 1996, and adopted by the Russell Township Board of Trustees on October 2, 1996.

Approved: April 6, 1992 by Russell Township Zoning Commission
Approved: Russell Township Trustees Effective: December 18, 1992.
As amended to March 18, 2017
As amended effective December 20, 2025
As amended to November 1, 2026

SEQUENCE OF ADOPTION

Text of proposed Amendment and Supplement approved by the Russell Township Zoning Commission and certified to the Board of Trustees on May 31, 1967.
Amendment and Supplement adopted by the Russell Township Board of Trustees on July 18, 1967.
Approved by Township electorate November 7, 1967.
Effective November 8, 1967.
Amended: October 7, 1971; June 24, 1974; July 25, 1974; June 27, 1977; July 27, 1977; March 2, 1978; March 15, 1979; July 22, 1980; June 29, 1981; June 20, 1984; November 7, 1984; March 27, 1985; March 25, 1988; July 1, 1988; November 18, 1989; April 21, 1990; November 18, 1992; April 16, 1993; May 21, 1993; March 31, 1995; June 28, 1996; October 18, 1996; December 20, 1996; April 19, 1997; May 15, 1998; August 18, 2000; September 15, 2000; February 23, 2001; August 31, 2001; March 8, 2002; March 22, 2002; November 15, 2002; March 21, 2003; July 4, 2003; April 23, 2004; July 3, 2004; December 31, 2004; August 19, 2005; September 2, 2005; March 3, 2006; November 3, 2006; December 1, 2006; February 10, 2007; May 18, 2007; October 5, 2007; February 22, 2008; May 6, 2011; August 17, 2012; August 20, 2016; September 16, 2016; December 16, 2016; March 18, 2017; effective December 20, 2025; November 1, 2026.

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SECTION 1 TITLE, JURISDICTION AND STATEMENT OF PURPOSE

1.1 Title

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

1.2 Jurisdiction

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

1.3 Statement of Purpose

The Board of Trustees and Zoning Commission of Russell Township have, through an evaluation of development factors, anticipated future growth and basic community goals, established basic guidelines and objectives for future development in the Township. It has been determined, due to the location of the Township within the area, the natural limitations of soil and geologic conditions which affect water supply and sewage treatment, the limited capability of the Township to provide urban services, the current character of development within the Township, and the expressed objective of the residents of the community, that Russell Township shall be essentially a low density residential community with non-residential development generally limited to that necessary for the convenience of residents.

It is further determined that a major asset to the community is the natural rural quality of the landscape, and that this quality, insofar as possible, should be preserved. To achieve these basic objectives, to promote public health, safety, morals and general welfare, to insure the preservation of open space, adequate light and air, freedom from congestion and objectionable or noxious uses, and to provide for the orderly and efficient growth of the community, the Board of Trustees of Russell Township deems it necessary, in accordance with provisions of Sections 519.01 to 519.99 of the Ohio Revised Code and related sections, to regulate the use of land, the size and location of buildings and structures, yards and open space and other characteristics of future development within the Township, and hereby adopt and enact the following amendment to the Russell Township Zoning Resolution which shall hereafter apply. It is the intention that the Board of Trustees of Russell Township exercise all zoning and planning powers now enjoyed or hereinafter granted by the General Assembly of the State of Ohio.

In furtherance of the above Statement of Purpose, the Russell Township Zoning Commission and Board of Trustees have adopted as of October 2, 1996, an updated Comprehensive Land Use Guide Plan, entitled: Russell Township Comprehensive Land Use Guide Plan: 2035, Stewards of the Land.

Additional purposes of this Resolution include, but may not be limited to, the following:

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 height, bulk, and number of stories of buildings and other structures and the percentage of lot coverage by buildings, structures, and impervious surfaces.

C. To establish minimum lot size, frontage, and width requirements in each zoning district.

D. To regulate the use of buildings and structures in each zoning district and to ensure that appropriate utilities, sewage treatment systems and water supply wells, and other matters related to public health and safety are adequately addressed to serve such uses.

E. To conserve and protect natural resources of the township, including the supply of groundwater.

F. To maintain the expressed objective of the residents, that the township shall be a low-density residential community in order to preserve and protect the semi-rural character. Refer to Russell Township Land Use Guide Plan 2035 for more information.

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.

SECTION 2 DEFINITION OF TERMS

2.1 Words and Terms Defined

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

Accessory Building, Structure, or Use – 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 connections with the principal building, structure, or use of a lot; and (3) which is located on the same lot with the principal building, structure or use.

Accessory Dwelling Unit (ADU) – Area within a single-family dwelling with an internal connection for ingress and egress, comprised of living and/or dining and sleeping rooms and space for bathing and toilet facilities, not including space for cooking facilities, all of which are used by only one family for residential occupancy.

Agriculture - Includes farming; algaculture meaning the farming of algae; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. (Amended June 28, 1996 - Amendment No. 96-2)

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

Alterations - As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extension of a side or by increases in height or by moves from one location or position to another.

Amateur Radio Service – The amateur service, the amateur satellite service, and the amateur civil emergency service as provided under 47 C.F.R. part 97.

Antenna – 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 – The person or authorized legal entity filing an application under this resolution.

Area Variance - An application for a deviation from the dimensional requirements, such as lot size, frontage, building size and height, front and side yards, buffer zones, coverage, parking and similar requirements, in the applicable zone. (Amended May 15, 1998 - Amendment No. 98-1)

Basement - That portion of any building which is completely enclosed with a clear height of not less than six (6) feet nine (9) inches and the floor of which is situated more than three (3) feet below the average finished grade at the perimeter of the building, exclusive of that area which may be designed as a garage for the storage of motor vehicles.

Bench Type Research - Research operations carried on in a laboratory not requiring the use of heavy or industrial-type equipment and which do not generate quantities of gases, acids, or noise which are noxious or offensive or create conditions or hazards of any sort and not including production or manufacturing operations.

Breezeway – A passageway consisting of a roof and supporting structural components that is enclosed or unenclosed and that connects buildings or structures.

Buffer – Open spaces, landscaped areas, fences, walls, berms or any combination thereof which are used to physically and visually separate a use of property from another adjacent property in order to mitigate impacts of noise, light or other nuisances.

Building - Any fully enclosed structure with walls and a roof that is affixed to a foundation and designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

Building or Structure Height - The vertical dimension measured from the finished grade level at the front of the building or structure to the elevation of the highest point of the building or structure. Chimneys, pergolas, or similar roof accessories are not included in determining the highest point of the building or structure.

Building Line – A line that outlines or circumscribes the horizontal ground area which is directly under a building, excluding cornices, eaves, gutters, chimneys, unroofed porches, open balconies and terraces, and steps.

Building, Principal - A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

BZA – Board of Zoning Appeals.

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

Church - A building or group of buildings, including customary accessory buildings, designed for public worship; for the purposes of this Resolution, the word "church" shall include temples, cathedrals, synagogues, chapels, congregations, and similar designations.

Club – A building or property owned or operated for the exclusive use of members and guests, whether for social, literary, pollical, educational or recreational purposes.

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

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

Conditional Use – A specific use listed in this Resolution other than a permitted use, requiring approval by the Township Board of Zoning Appeals that is subject to conditions, and the issuance of a conditional Zoning Certificate by the Zoning Inspector.

Construction Equipment - Backhoes, rollers, bulldozers, front-end loaders, power shovels, and similar equipment.

County – Geauga County, Ohio.

Cul-de-sac - A circular termination at the end of a street.

Cul-de-sac Street - A street which is terminated with a vehicular circular turn-around at one end.

Cul-de-sac Lot - A lot, or some portion thereof, which fronts on the arc of permanent cul-de-sac.

Damaged or Diseased Trees – 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 structure. (Amended February 22, 2008 – Amendment # 2007-4)

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

Density – A unit of measurement that indicates the number of buildings or dwelling units allowed per acre of land.

Designated Watercourse – A river or stream within the Township that is in conformity with the criteria set forth in these regulations. (Amended February 22, 2008 – Amendment No. 2007-4)

Detention Pond - A permanent stormwater management facility for the temporary storage of runoff, which is designed to delay and attenuate flow. Commonly referred to as a "dry pond."

District – A portion of the Township shown on the official Zoning Map within which zoning regulations apply as specified in the Resolution.

Driveway – A privately maintained area having a paved or aggregate surface, which provides ingress or egress for vehicles from a road or street to a dwelling, building, structure, parking space, or loading/unloading space.

Dry Hydrant – 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 the firefighting equipment. (Amended December 1, 2006 – Amendment No. 2006-2)

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

Dwelling, Single Family – A dwelling consisting of one (1) detached dwelling unit to be occupied by one (1) family only.

Dwelling Unit - 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.

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

Economically Significant Wind Farm – Wind turbines and associated facilities, whether publicly or privately owned, on a lot with a single connection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) megawatts or more.

Electric Vehicle Definitions are as follows:

A. **Electric Vehicle (EV)** - means any motor vehicle that: 1) is designed for use on roads, highways, or streets; 2) is powered fully or partially by an electric motor and rechargeable battery or similar storage device; and 3) includes, but is not limited to, battery electric vehicles (BEVs), plug-in hybrid electric vehicles (PHEVs), and cell electric vehicles (FCEVs).

B. Battery Electric Vehicle (BEV) - means a type of Electric Vehicle that operates solely on electricity stored in a rechargeable battery and does not include an internal combustion engine or any other form of on-board fuel combustion.

C. Plug-in Hybrid Electric Vehicle (PHEV) - means a type of Electric Vehicle that combines an electric motor with an internal combustion engine and is capable of operating in electric-only mode for a specified range, with the battery being rechargeable from an external source of electricity.

D. Fuel Cell Electric Vehicle (FCEV) - means a type of Electric Vehicle that uses a fuel cell, typically powered by hydrogen, to generate electricity for propulsion, with water vapor as the primary byproduct.

E. Charging Infrastructure – refers to the facilities, equipment, and systems necessary to recharge the batteries of Electric Vehicles, including but not limited to Level 1, Level 2, and DC fast chargers, as defined by the Society of Automotive Engineers (SAE) standards.

F. External Source of Electricity – means any grid-connected or off-grid system, including but not limited to residential, commercial, or public charging stations, solar-powered systems, or other renewable energy sources, used to recharge the energy storage system of an Electric Vehicle.

Electric Vehicle Supply Equipment (EVSE) – A unit that supplies energy for charging an electric vehicle. Such equipment shall be classified by the Society of Automotive Engineers (SAE)

Electric Vehicle Supply Equipment (EVSE) Space – Off-street parking spaces or designated charging spaces with electric vehicle supply equipment.

Erosion – The process by which the land surface is worn away by the action of wind, water, ice, gravity or any combination of such factors.

Exterior Dining - Exterior Dining ancillary to Retail Food Service is an outside dining area, such as a garden, patio, or deck serviced by the same personnel, utensils and kitchen, entrance, waiting areas and other facilities as the primary interior dining areas. (Amended September 16, 2016 – Amendment No. 2016-3)

Exterior Storage Area - 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.

Family - One (1) or more persons related by blood, adoption, guardianship or marriage, domestic partnerships living together, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living as a single economic unit 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. (Amended August 17, 2012 – Amendment No. 2012-4)

Farm Market – As defined in O.R.C. Section 519.21, an agricultural use 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

Federal Emergency Management Agency (FEMA) – The agency with overall responsibility for administering the National Flood Insurance Program. (Amended February 22, 2008 – Amendment No. 2007-4)

Fence - 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 - The elevation of the finished grade of the ground after all earth/soil disturbing activities have been performed.

Fire Protection Pond – Fire Protection Pond means a pond of at least 5,000 square feet and a depth of at least 6 feet at the center and containing an availability of at least 125,000 gallons of usable water. (Amended December 1, 2006 – Amendment No. 2006-2)

Fiscal Officer - The duly acting elected Fiscal Officer of Russell Township. (Amended August 17, 2012 – Amendment No. 2012-5)

Fixture, full cutoff lighting – A lighting fixture which allows no light to be emitted above a horizontal plane drawn through the lowest part of the fixture. (Amended July 3, 2004 – Amendment No. 2004-3)

Flood Plain – The designated areas shown on the flood hazard boundary maps of the Township, prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, and the Federal Emergency Management Agency, which are subject to periodic flooding from a 100-year frequency storm.

Floor Area - The total enclosed habitable area projected upon the ground for all inside area having a clear height of seven feet, exclusive of all areas not customarily designed for habitation, such as garages, open or unheated breezeways, unfinished or unheated attics, basements, balconies, crawl space, open or unheated porches and terraces, except where such areas have been redesigned and converted to comply with all aspects of applicable building regulations for permanent year-round housing.

Food Truck – See "Mobile Food Unit"

Foundation – A permanent footing or underpinning to which a building or structure is attached that is comprised of concrete, masonry or other acceptable material pursuant to the applicable building code. A foundation for a manufactured home shall be in accordance with O.R.C. Section 3781.06(C)(6).

Frontage - See lot line, front.

Garage, Private - A building, or any part thereof, which provides for the storage of motor vehicles and other personal property and in which no occupation, business or service for profit is carried on.

Garage, Service - A building, or part thereof, other than a private garage, used for the storage, care, or repair of motor vehicles for profit, including any sale of fuels or accessories.

Gasoline Service Station - A service garage operated or designed exclusively for the sale of motor vehicle fuels, and the provision of routine motor vehicle maintenance services and the sale of motor vehicle accessories necessary thereto. Sale of incidental convenience items including snacks and prepared foods are allowed in Gasoline Service Station.

Gazebo - A freestanding, typically octagonal, roofed structure that is open on the sides.

Geothermal Heating System - Any heating or cooling system which uses ground water or the earth as a heat source or heat sink.

Glare –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. (Amended July 3, 2004 – Amendment No. 2004-3) Glare lighting level shall be measured with a light meter held five (5) feet above ground and rotated in a horizontal plane, so it is facing the brightest source.

Glare, direct – The glare resulting from the human eye being able to see the light-emitting portion of the light fixture. (Amended July 3, 2004 – Amendment No. 2004-3)

Hazardous Waste - Waste as defined in O.A.C. Section 3745-51-03.

Home Occupation - An accessory use in a residential zoning district, which is an activity, trade, profession, business, service, craft or hobby for remuneration, conducted entirely within a dwelling on a lot. A home occupation shall be clearly incidental and subordinate to the use of a lot as a dwelling and residence. A home occupation may not involve overnight stays. Short term rental of all or part of a dwelling is not an allowed home occupation.

Impervious Surface – Any surfaces or materials which prevent or inhibit percolation of storm water runoff into the ground including, but not limited to, roofing, concrete, cement, asphalt, wood, metal, plastic, compacted soil and aggregates. (Amended November 15, 2002 – Amendment No. 2002-1)

In-Line Pond – A permanent pool of water created by impounding a designated watercourse. (Amended February 22, 2008 – Amendment No. 2007-4)

Industrialized Unit - A building as defined in O.R.C. 3781.06 (C) (3). "Industrialized unit" does not include a "manufactured home", or a "mobile home" as defined in this Resolution.

Infectious Waste - Waste as defined in O.A.C. Section 3745-27-01(I)(6).

Intersection - The meeting point of the center lines of road or street rights-of-way. For purposes of determining the distance of driveways and access roads from intersections, the distance from the intersection shall be measured along the center line of the street right-of-way to the point at which the center line of the driveway or access road projected at right angles to the property line would cross the center line of the street.

Junk - ~~S~~crap copper, brass, rope, rags, trash, wastes, batteries, paper, rubber, dismantled or wrecked vehicles or parts thereof, iron, steel and other scrap ferrous or nonferrous materials

Junk Motor Vehicle - Any motor vehicle that meets all of the following criteria: it is three years old or older; is apparently inoperable; and is extensively damaged including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

Junk Yard - Any structure or lot used for the collection, storage, processing, purchasing, sale or abandonment of any junk, junk motor vehicles, waste or discarded material or the dismantling, demolition, salvaging or abandonment of structures, automobiles, or other vehicles, equipment and machinery or parts thereof.

Lake - A water impoundment, either natural or if man-made by constructing a dam or an embankment or by excavating a pit or dugout and having an area of five (5) acres or more.

Landscaping - The exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover as well as structural or decorative features such as walkways, retaining walls, benches, sculptures, lighting, fences, reflective pools and fountains.

Land Development Activity – 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 surface. (Amended February 22, 2008 – Amendment No. 2007-4)

Licensed Residential Facility - A facility as defined in O.R.C. Sections 5119.34(B)(1)(b), 5123.19(A)(5)(a), and 5123.19(M).

Light Trespass –Light emitted by an exterior lighting fixture installation which falls outside the boundaries of the lot on which the installation is sited. (Amended July 3, 2004 – Amendment No. 2004-3)

Loading and Unloading Space - A space provided for pick-ups and deliveries for commercial and industrial uses.

Definitions of "Lot" and "Lot of Record" are as follows:

A. **Lot** - A parcel of land which is or shall be a lot of record.

B. **Lot of Record** - Land designated as a separate parcel on a plat and/or survey map and/or in a legal description on a deed or instrument of conveyance in the records of the Geauga County Recorder and recorded as a separate unit on the current tax rolls of the County Auditor. (Amended June 20, 1984 - Amendment No. 29)

Lot Area - An area of land which is determined by the limits of the lot lines bounding that area expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in determining lot area.

Lot, Corner - A parcel of land at the junction of and abutting on two or more intersecting streets.

Lot, Coverage - That percentage of the lot covered by building area including accessory buildings, structures, driveways, parking spaces, loading and unloading spaces, and impervious surfaces. (Amended November 15, 2002 - Amendment No. 2002-1)

Lot, Interior - A lot other than a corner lot.

Lot, Dimensions - The dimensions of a lot shall be measured as follows:

> **Depth** - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
>
> **Width** - The horizontal distance between the side lot lines measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line.

Lot Line - The boundary of a lot which separates it from adjoining lots of record; common, public or private open space; and public or private roads.

Lot Line, Front or Frontage - The boundary of a lot extending along a street right-of-way line. In the case of a corner lot or a multiple frontage lot, all lot boundaries abutting a road are considered front lot lines.

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

Lot Line, Side - Any boundary of a lot which is not a front lot line nor is a rear lot line.

Manufactured Home – A home as defined in O.R.C. Section 3781.06 and is permanently sited on a lot pursuant to O.R.C. Section 519.212.

Manufactured Home Park - A use of land as defined in O.R.C. Section 4781.01(D).

Medical Marijuana – 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).

Mobile Food Unit – Any apparatus or equipment that is used to cook, prepare or serve food and that routinely changes or can change location and is operated from a moveable vehicle or apparatus, including but not limited to motorized vehicles, trailers, and hand propelled carts.

Mobile Home - A building unit or enclosed construction as defined in O.R.C. Section 4501.0(O).

Mobile Structure - Any structure designed or intended to be portable or demountable, whether under its own power or other means and whether supported on wheels, blocks, posts or other means. Any structure which is permanently attached to a foundation is not a mobile structure.

Non-conforming Building or Structure - 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 current area square footage, yard, height, or other applicable regulations for the zoning district in which it is located.

Non-conforming Lot - A Lot of Record which was lawfully in existence at the effective date of this Resolution or amendments thereto which does not have the current minimum dimensions or contain the current minimum area for the zoning district in which it is located.

Non-conforming Use - 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 current use regulations for the zoning district in which it is located.

O.A.C. - The Ohio Administrative Code.

O.R.C. or R.C. - The Ohio Revised Code.

Office - A building or part thereof within which administrative, clerical, and professional activities, sales and services are rendered.

Off-Street Parking Space - An off-street space, exclusive of the right-of-way, available for the parking of a motor vehicle.

Ohio Environmental Protection Agency – The governmental agency referred to herein as the Ohio EPA. (Amended February 22, 2008 – Amendment No. 2007-4)

One Hundred Year Floodplain – Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent 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. (Amended February 22, 2008 – Amendment No. 2007-4)

Open Space - A totally unobstructed area on a lot that does not have any permanent or temporary buildings, structures, driveways, or parking lots.

Ordinary High Water Mark – 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, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the bed and bank of a watercourse. (Amended February 22, 2008 – Amendment No. 2007-4)

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

Pavilion - A structure with no more than two (2) enclosed sides and a roof used for shelter.

Permitted Use – A use that is allowed by right in a zoning district upon the issuance of a zoning certificate by the Zoning Inspector, provided such use is specifically listed as a permitted use and not otherwise exempted in this Resolution.

Personal Property - Any privately held property other than real property.

Pond - A natural or man-made water impoundment, made by constructing a dam or an embankment or by excavating a pit or dugout, having an area of less than five (5) acres.

Porch - An area adjoining a building entrance with a roof and no more than three (3) enclosed sides.

PRD – Planned Residential Development

Produce - Fresh fruit and vegetables, flowers, eggs, grains, herbs, honey, maple syrup, nuts, fungi, and milk.

Prohibited Use – A use that is not allowed in a specified zoning district or in any zoning district pursuant to this Resolution.

Public Uses - Any land, building, or facilities owned and operated or used by any political subdivision of the state of Ohio, governmental agency or authority, such as the Township Hall, police department, fire department, and road garage, public schools, public parks, cemeteries, and similar uses.

Public Utility - 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 Areas, Private or Commercial - Land, areas, buildings or facilities which are used, operated or maintained for the recreational or leisure time activities of persons and for which an admission use or membership fee is charged including such uses as swimming clubs, camps, picnic areas, bowling alleys, indoor theaters, fishing ponds, riding stables and similar uses and facilities. However, it shall not include a commercial outdoor shooting facility. Target practice or discharge of firearms is not restricted when performed in a safe manner on private property by the property owner or when given permission by the property owner, and when activity is compliant with requirements of the Ohio Revised Code.

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

Residential Occupancy – Structures intended for human habitation providing sleeping accommodation for only one family. Residential occupancy shall not include short-term rentals.

Restaurant - Any establishment, however designated, at which food or drink is sold for consumption on the premises exclusive of concessions operated as an accessory to other public or private activities solely for the use and convenience of the patrons.

Retail Food Service - Retail Food Service is the operation of an establishment that prepares and sells perishable food to be consumed either on or off the premises within a short time after purchase. (Amended September 16, 2016 – Amendment No. 2016-3)

Retention Pond – Retention Pond means a conventional wet pond that has a permanent pool of water and may or may not have the capacity of detention or peak-flow storage. (Amended December 1, 2006 – Amendment No. 2006-2)

Right of Way – 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.

Riparian Area – Naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce the size of flood flows and/or filter and settle out runoff pollutants or performs other functions consistent with the purposes of this Resolution. (Amended February 22, 2008 – Amendment No. 2007-4)

Riparian Setback – The real property adjacent to a designated watercourse or wetland located

within the area defined by the criteria set forth this Resolution. (Amended February 22, 2008 – Amendment No. 2007-4)

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

Self-Service Storage Facility – A building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-storage of personal property. (Amended August 19, 2005 – Amendment No. 2005-1)

Sediment – Soil or other surface materials that are or have been transported or deposited by the action of wind, water, ice, gravity or any combination of such forces as a product of erosion.

Sediment Control – The limitation of sediment transport by controlling erosion, filtering sediment from water, or detaining sediment laden water allowing sediment to settle.

Sediment Pollution – The degradation of waters of the State by sediment as a result of failure to apply management or conservation practices to abate wind or water soil erosion specifically in conjunction with soil disturbing activities on land uses or being developed for residential, nonresidential, or nonagricultural uses.

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

Sewage System, On-Site - A septic tank or similar installation on an individual lot, which provides for the treatment of sewage and disposal of the effluent, subject to the approval of the health and sanitation officials having jurisdiction.

Short Term Rentals – A rental or lease for a period of less than 30 days.

Sign - 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, light, device or other representations used for announcement, direction or advertisement.

Sign, Face – The area or display surface used for a message.

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

Sign, Changeable Copy - A wall or monument or pylon sign or portion thereof which is so

designed that characters, letters, or illustrations can be changed or rearranged without altering the basic face or surface of the sign, whether manually or electronically.

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

Sign, Flat or Wall – A sign painted on or attached to and erected parallel to the face of, and erected and confined within the limits of, the outside wall of a building and supported by such wall and consists of only one (1) face.

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

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

Sign, Mobile – Any portable sign or sign structure not securely or permanently attached to the ground or to a building and typically mounted on a trailer with wheels.

Sign, Monument – A freestanding ground sign on a permanent foundation which is entirely independent of any building for support and consists of no more than two (2) faces.

Sign, Off-Premise – A sign advertising goods, services, or activities located on a lot other than the lot at which such goods, services, or activity occurs.

Sign, On-Premises – A sign advertising goods, services, or activities located on the same lot at which such goods, services, or activity occurs.

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

Sign, Pylon – A freestanding sign supported by one (1) or more visible uprights or poles permanently affixed to the ground, and which is entirely independent of any building for support and consists of no more than two (2) faces.

Sign, Roof – 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 the sign is located.

Sign, Temporary – A sign that is not designed or intended for permanent display.

Sign, Window – A sign painted on, attached or affixed to the interior surface of a window or door

of a building intended to be seen from the exterior.

Site – See "lot"

Soil and Water Conservation District (SWCD) – the Geauga County, Ohio Soil and Water Conservation District, organized under Chapter 940 of the Ohio Revised Code, including the Board of Supervisors and its designated employees. (Amended February 22, 2008 – Amendment # 2007-4)

Soil Disturbing Activity – Clearing, grubbing, 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. This may also include, but is not limited to, construction of non-farm buildings, structures, utilities, roadways, parking areas, and septic systems that will involve soil disturbance or altering of the existing ground cover. (Amended May 18, 2007 – Amendment No. 2007-1)

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

Solar Panel, Array - An integrated assembly of solar panels with a support structure or foundation and other components.

Solar Panel, Freestanding - A solar panel or an array of solar panels, not attached to a building, mounted to a structure attached to the ground.

Solar Panel, Roof Mounted - A solar panel or solar panel array attached to a roof of a principal or accessory building.

Solar, Small Solar Facility – As defined in O.R.C. 519.213(A)(2).

Small Wind Farm - As defined in O.R.C.519.213(A)(1).

State – The State of Ohio

Stormwater Management – A system of structural and nonstructural practices used to safely convey, temporarily store, improve quality, release at an allowable rate and/or minimize erosion and flooding from stormwater runoff.

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

Street or Road - A recorded vehicular right-of-way dedicated to public use; or a recorded vehicular right-of-way easement in private ownership which provides the principal means of ingress and egress to abutting property.

Street Line - That boundary line determining the extent or limit of the right-of-way for any street.

Structure - Anything constructed, the use of which requires location on the ground or is attached to something having location on the ground. (Amended April 19, 1997 - Amendment No. 97-1)

Structure, Principal - A structure or structures in which the main or principal use of the lot on which said building is situated is conducted.

Subdivisions, Major, Minor or Large Lot - Shall be as defined by the Geauga County Subdivision Regulations.

Swimming Pool - Any structure, designed to contain water, erected above or below grade which has a depth of more than thirty (30) inches from the top of the structure but not including lakes or ponds which may be created for agricultural, recreational or ornamental purposes by grading or damming of natural water courses.

Temporary Use – A use that is established for a fixed period of time with the intent to discontinue it upon the expiration of such time

Township - The Township of Russell, Geauga County, Ohio.

Township Board of Zoning Appeals - The Board of Zoning Appeals for Russell Township.

Township Fiscal Officer - The Fiscal Officer for Russell Township.

Trustees - The Board of Trustees of Russell Township, Geauga County, Ohio.

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

Use - An activity permitted by right, conditionally, or prohibited within the zoning district in which a lot is located as specified in this Resolution

Use Variance - An application for a deviation from the permitted uses in the applicable zone. (Amended May 15, 1998 - Amendment No. 98-1)

Vehicle - Anything that is or has been on wheels, runners, or tracks.

Waste Water Treatment Plant (W.W.T.P.) – 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. (Amended February 22, 2008 – Amendment No. 2007-4)

Watercourse – 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. (Amended February 22, 2008 – Amendment No. 2007-4)

Wetland – 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) (Amended February 22, 2008 – Amendment No. 2007-4)

Wetlands, Category 1 – A low quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA. (Amended February 22, 2008 – Amendment No. 2007-4)

Wetlands, Category 2 – A medium quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA. (Amended February 22, 2008 – Amendment No. 2007-4)

Wetlands, Category 3 – A high quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA. (Amended February 22, 2008 – Amendment No. 2007-4)

Wetlands, Isolated – A wetland that is subject to regulation by the Ohio Environmental Protection Agency.

Wind Turbine - A device that converts wind energy into a usable form and includes a rotor and drive train, with blades or an airfoil and all equipment necessary for machine operation mounted to a wind turbine tower.

Wind Turbine Tower - A monopole that is freestanding attached to a permanent foundation in the ground that supports a wind turbine.

Wireless Telecommunications Facility – A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone or other communications systems.

Yard - 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 - An open, unoccupied space on the same lot with the principal building extending the full width of the lot and situated between the street right-of-way line or its tangent at the center of frontage and the front line of the building projected to the side lines of that lot. The depth of the front yard shall be measured at right angles to the street lines.

Yard, Rear - An open, unoccupied space, on the same lot with the principal building, extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building. The depth of a rear yard shall be measured at right angles to the rear line of the lot or, if the lot is not rectangular, then in the general direction of its side building lines.

Yard, Side - An open, unoccupied space, on the same lot with the principal building, between the side line of the lot and the nearest line to any building and extending from the front yard to the rear yard or, in the absence of either of such yards, to the street right of way or rear lot lines, as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

Zoning Certificate - A permit issued by the Township Zoning Inspector in accordance with the regulations specified in this Resolution.

Zoning Commission - The Zoning Commission of Russell Township.

Zoning Inspector - The Zoning Inspector of Russell Township.

Zoning Map - The current official map established by and made a part of this Resolution which indicates the boundaries and limits of the zoning districts established by this Resolution.

2.2 Interpretation of Terms or Words

For the purpose of this Resolution, certain other terms or words shall be interpreted as follows: 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. The word "shall" is mandatory, the word "may" is permissive, the word “should’ is preferred and the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual or any other legal entity. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Capitalization of words shall not be considered to modify, change, or limit the content of the statement. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly. For words and terms undefined herein, the latest edition of “Webster’s New World Dictionary” shall be consulted.

(Amended March 18, 2017 – Amendment No. 2016-8)

A. Whenever words denoting gender are used in this Resolution they are intended to apply equally to any gender.

B. Figures are provided for illustrative purposes only and shall not be construed as regulation. Where a conflict may occur between the text and any graphic, the text shall control.

C. Terms defined in this section are displayed with ‘bold’ font throughout the Resolution.

SECTION 3 ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP

3.1 A. **Designation of Zoning Districts** - For purposes of this Resolution eight (8) zones differentiated according to **use** and **building** regulations are hereby established within **Russell Township,** and shall be designated as follows:

1. R-3 - Residential Zoning **Districts**
2. R-5 - Residential Zoning **Districts**
3. C-S-1 - Commercial and Services One Zoning **Districts**
4. C-S-2 – Commercial and Services Two Zoning **Districts**
5. OB – **Office Building** Zoning **Districts**
6. PPD - Passive Park District Zoning **Districts**
7. APD - Active Park District Zoning **Districts**
8. LB – Limited Business Zoning **Districts**

(Amended August 20, 2016 – Amendment No. 2016-2)

B. **Overlay Districts** - For purposes of this Resolution, overlay **districts** are hereby established as indicated. Overlay **districts** shall prescribe regulations in addition to whatever regulations are prescribed for the underlying zoning **district** or zoning **districts** covered by the overlay **district.** Overlay District regulations shall control and supersede whenever they are inconsistent with the provisions of the underlying zoning **district.** If there is no inconsistency between the overlay district and the underlying zoning **district,** the underlying zoning **district** regulations and all other applicable provisions of this Zoning Resolution shall remain in full force and effect. Overlay **districts** shall be designated as follows:

1. WTTO - Wireless Telecommunication Tower Overlay **District**

3.2 **Official Township Zoning Map** - The boundaries of the zoning districts and any established overlay districts are illustrated on the official Russell Township Zoning Map, which shall be identified by the signature of the Township Trustees and Fiscal Officer together with the date of its adoption and the effective date. The official Russell Township Zoning Map shall be kept in the office of Fiscal Officer, who shall be responsible for its custody and safekeeping, and shall not be removed therefrom except by Township officials when conducting Township business. Said map is always in effect and prevails over all others. A copy of the most recent official Russell Township Zoning Map is on file in the Zoning Inspector's Office and is hereby declared as part of the Resolution designated as Appendix A.

For clarity, overlay **districts** may be depicted on physically separate maps which can be superimposed upon the underlying **Zoning Map,** with reference made to the overlay **district** in the legend of the **Zoning Map.**

3.3 Interpretation of Zoning District and Overlay District Boundaries on Official Township Zoning Map - Where uncertainty exists as to any of said boundaries as shown on said map, the following rules shall apply:

A. Zoning **District** and overlay **district** boundary lines shall follow the center line of the streets, and **lot** lines as they exist on legal descriptions on deeds, survey maps, and plats of record at the time of the passage of this Resolution or any amendment thereto.

B. Where a zoning **district** or overlay boundary divides a **lot,** the location of such boundary, shall be determined by the use of the scale appearing on the official **Township Zoning Map.**

3.4 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 Section 11 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 the **Fiscal Officer** together with the date of its adoption and its effective date. Said Map shall be located in the **office** of the **Fiscal Officer** and kept together with the original Township **Zoning Map** and all other amended **Zoning Maps** in the manner provided in Section 3.2.

SECTION 4 GENERAL PROVISIONS

4.1 Interpretation

In their interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of public health, safety, morals and general welfare. In the event that any other laws, rules or regulations apply, the most restrictive regulatory provision shall prevail. If a general provision in this Resolution 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.

4.1A Amendment and Repeal

A. Any duly enacted amendment to this Resolution shall be effective from and after the earliest period allowed by law, and, when effective, shall amend and supplement the comprehensive zoning plan of Russell **Township** and the Zoning Resolution of Russell **Township,** approved by the electors at the general election held November 2, 1948, as further amended, and shall, when effective, repeal and replace all prior zoning regulations applicable to the unincorporated area of Russell **Township.**

B. 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 amendment irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

C. 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.

D. The amendment of this Resolution does not:
   1. Affect the prior operation of the Resolution or any prior action taken thereunder.
   2. Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder.
   3. Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal; or
   4. 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.

4.1B Severability Clause

Should any section or provisions of this Resolution be declared by a court, by final order, to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. Nor shall such decision be deemed conclusive as to different facts or circumstances. Each part, provision, or section is declared to be independent and severable.

4.1C Schedule of Fees, Charges, and Expenses; and Collection Procedure

A. The Board of **Township Trustees** shall, by resolution, establish a schedule of fees, charges, expenses and a collection procedure for **zoning certificates,** amendments, appeals, conditional **zoning certificates,** and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the **Zoning Inspector** and **Fiscal Officer** and may be altered or amended only by resolution of the Board of **Township Trustees.**

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

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

4.1D First Day Excluded and Last Day Included in Computing Time; Exceptions; Legal Holiday Defined

A. 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 when the last day falls on Saturday, Sunday or a legal holiday, then the act may be done on the next succeeding day which is not Saturday, Sunday or a legal holiday.

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

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

D. If any day designated in R.C. 1.14 as a legal holiday fall on Sunday, the next succeeding day is a legal holiday or as may otherwise be set forth R.C. 1.14.

4.1E 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.

4.2 Applicability of Regulations

No **building** or **structure** shall hereafter be erected, and no existing **building** or **structure** shall be moved, have exterior structural alterations, be rebuilt, added to, or enlarged; nor shall any land be used other than as permitted by this Resolution.

4.3 Preservation of Natural Features

A. Any **structures**, **buildings** or **uses** shall be in accordance with Section 4.16 **Riparian Setbacks.** (Amended February 22, 2008 – Amendment No. 2007-4)

B. No person, firm, or corporation shall strip, excavate, or otherwise remove topsoil for sale or other **use** other than on the premises from which taken, except in connection with the construction or alteration of a **building** on such premises and excavating or grading incidental thereto.

4.4 Off-Street Parking, Loading/Unloading Areas, and Driveways

A. Off-street parking shall be provided as further specified in this Resolution and shall be furnished with necessary passageways and **driveways.** All such space shall be deemed to be required space on the **lot** on which it is situated and shall not be encroached upon or reduced in any manner. All parking areas, passageways, and **driveways** (except when provided in connection with one-**family** residences) shall be surfaced with a dustless, durable, all-weather pavement, clearly marked for car spaces, and shall be adequately drained and shall be not less than thirty (30) feet from any **street right-of-way** line.

B. The collective provision of off-street parking areas by two (2) or more **buildings** or **uses** located on adjacent **lots** is permitted, provided that the total of such facilities shall not be less than the sum required of the various **buildings** or **uses** computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one or more of the collective users.

C. All public and private parking areas and appurtenant passageways and **driveways** servicing non-residential **uses** shall be illuminated adequately during the hours between sunset and sunrise when the **use** is in operation. Adequate shielding shall be provided around all parking areas designed for more than three (3) cars to protect adjacent **uses** from the **glare** of such illumination and from that of automobile headlights and shall be screened from adjacent property and **streets**.

D. The owner of the property used for parking and any **loading/unloading spaces** shall maintain such areas in good condition without holes and free of all dust, trash, and other debris. Maintenance shall include resurfacing of areas with potholes or cracks, restriping, trimming and replanting of **landscaping** islands and perimeter **yards** or screening, servicing of drainage inlets and stormwater facilities, replacement of faded or missing signage, and repair of malfunctioning lighting as required by the **Zoning Inspector.**

E. 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.

F. 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, except as may otherwise be provided in this Resolution:

1. For one-way traffic, the minimum width of driveways and aisles shall be fourteen (14) feet.

2. **Driveways** and aisles for two-way traffic shall have a minimum width of twenty-four (24) feet.

3. There shall be no more than two (2) points of ingress/egress per **lot** from a road to a parking **lot.**

G. Off-street parking and **loading/unloading spaces** shall not be located in the minimum front, side, or **rear yard** of any **lot** except as provided in this Resolution. Off-street parking spaces shall be setback as specified for the zoning district in which they are located. **Loading/unloading spaces** shall be located to the side or rear of the **building** or **structure** they serve, shall not be in any **front yard,** and shall be setback in accordance with the minimum side and **rear yards** for the zoning **district** in which located, except as may otherwise be provided in this Resolution.

H. Off-street parking spaces serving **buildings** and **uses** required to be accessible to the physically handicapped shall have conveniently located designated spaces provided in accordance with the Americans with Disabilities Act (ADA).

I. Off-street parking spaces shall be **used** only for parking of **vehicles** and shall not be **used** for loading and unloading of products, goods, or materials of any kind or for the sale or display of any products, goods, or materials.

J. An **electric vehicle** parking space for nonresidential **uses** shall count towards determining the minimum number of off-street parking spaces required by this Resolution. Such space shall be designated by pavement identification and no more than one (1) sign with a maximum face of four (4) square feet. **Electric vehicle** supply equipment shall be protected by bollards at least four (4) feet in height.

K. Except as may otherwise be provided in this Resolution a **driveway** in any residential zoning **district** shall be constructed of a durable all-weather surface such as aggregate, concrete or asphalt. A **driveway** shall be a minimum of ten (10) feet in width.

L. Except as may otherwise be provided in this Resolution, a **driveway** in any residential zoning **district** shall be setback a minimum of ten (10) feet from the nearest side and rear lines measured in fashion from the **lot line** to the edge of the **driveway** and shall be constructed of a durable all weather surface such as aggregate concrete or asphalt. A **driveway** shall be a minimum of ten (10) feet in width. If a lesser setback is permitted for nonconforming lots of record, the Township should be mindful of possible stormwater runoff from a driveway that may impact an adjacent lot.

4.5 Cul-de-sac Provisions

A. **Cul-de-sac streets**, whether public or private, shall have a permanent turn-around with an outside pavement diameter of at least 110 feet if solidly paved or a diameter of 160 feet if paved with an island in the center.

In the event the **cul-de-sac** is not open in the direction of a **school,** public playground, or public park, then a pedestrian **right-of-way** in the form of a twenty (20) foot **easement** shall be provided to such facility.

B. **Cul-de-sac lots** shall be permitted in any residential zone **district** and shall have a minimum of one hundred (100) feet **frontage** measured at the **street line** along the arc of the **right-of-way.** The **lot** width at the **building** line together with front, side, and **rear yard** requirements for the zone **district** in which the **cul-de-sac lots** are located shall apply. (Added June 29, 1981 - Amendment No. 28)

4.6 Permitted Modifications and Exceptions

A. Non-Conforming **Lots**: Any legally existing non-conforming **lot** of record may be used as a **lot** for any purpose permitted in the zoning district in which the **lot** is located, providing that such non-conforming **lot** meets all other requirements of this Resolution. (Amended December 16, 2016 - Amendment No. 2016-7)

B. Height: The height limitations of this Resolution shall not apply to silos, **church** spires, belfries, cupolas, and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve. In no case shall signs be permitted above the maximum allowable height of the principal **structure**, exclusive of permitted extension.

C. No **Zoning Certificates** shall be required for the following types of **buildings** or **structures,** if used for non-commercial purposes, provided that such **buildings** or **structures** comply with all applicable **front yard, side yard,** and **rear yard** restrictions for the **use** zoning district in which it is located, and further provided that such **buildings** or **structures** do not exceed eighty (80) square feet in **floor area** and eight (8) feet in height, other than decks and **patios** which shall not exceed two hundred and fifty (250) square feet in **floor area** without a **zoning certificate:**

... Animal shelters
... Outdoor fireplaces and barbecue pits
... Tool sheds
... Children's play houses
... Greenhouses

... **Gazebos**
... Decks, platforms, ramps, steps, **porches** and **patios** that are unroofed or having an overhang with posts
... Above-ground **swimming pools**, including temporary portable and inflatable **swimming pools,** not exceeding three (3) feet in height
… Pump houses
… Pavilions
… Hot tubs

(Amended December 16, 2016 - Amendment No. 2016-7)

D. The following **structures** and uses may be located in a required minimum **front yard, side yard, or rear yard** without a **zoning certificate**, except as may otherwise be provided in this Resolution:

… Flag poles
…Ornamental and security lighting fixtures
…Student bus shelters
…Recreational equipment for children
…**Landscaping** features including earthen mounds and retaining walls
…Walkways and trails
…**Stormwater management** and sediment control facilities in accordance with Geauga **Soil and Water Conservation District** Regulations
…Heating, ventilation, and air conditioning equipment, fuel tanks, and emergency generators, except **geothermal heating systems**
…**Fire protection ponds**, **lakes** and **ponds**
…Radio and television **antennas**, including ground mounted satellite dish antennas, and antennas for amateur radio service communications; provided, however, such antennas shall be setback a minimum distance equal to 1.1 times the height of the antenna and shall not be located in front of the principal **building** on the affected **lot.**
…**Fences** and walls; provided, however, **fences** and walls shall be located outside of the **right-of-way** of any public or private road and shall not block or impede clear sight distance of **vehicle** operators at the **intersection** of any public or private road. The finished side of a **fence** shall face outward away from the **lot** on which it located.

4.7 Prohibited Buildings, Structures, and Uses in All Zoning Districts

The following **buildings**, **structures,** and **uses** shall be prohibited in all zoning **districts** except as otherwise specifically provided herein.

A. Barns, garages, tents, or temporary or demountable **structures** or facilities shall not be utilized for residential purposes, unless properly redesigned and converted to permanent habitable **floor area** in accordance with all applicable **building,** zoning, and health regulations.

B. The **use** of **mobile structures** including, but not limited to, trailers, camp trailers, boats, **recreational vehicles,** motor homes and similar **vehicles** for residential purposes shall not be permitted within the **Township,** and no area within such **mobile structures** shall be construed as habitable **floor area**. **Mobile structures** must meet all setbacks, **side yard and rear yard** regulations. Storage, or parking, other than for a period of three days or less, of **mobile structures,** trailers, camp trailers, boats, **recreational vehicles**, motor homes and similar **vehicles** shall not be permitted on any lands within the **Township** unless such **vehicles** belong to the owner or resident lessee of such land. Such storage shall not be permitted in front of the principal **building line** of any parcel within the **Township,** and the storage of all such **vehicles** for commercial purposes is prohibited.

C. The **use** of any **lot** or portion thereof, as a **junk yard,** dump, or for private or **public uses** of a similar nature shall not be permitted within the **Township.**

The storage of licensed or unlicensed **junk motor vehicles** or parts thereof, including unlicensed collector's **vehicles** as defined in **O.R.C.** 4501.01(F) outside of a fully enclosed **building,** shall be prohibited.

However, the owner of any **vehicle** may, within 15 days after notification by the **Zoning Inspector** that the **vehicle** appears to be a **junk motor vehicle,** provide certification by the Ohio State Highway Patrol that the **vehicle** is legally operable on a public highway pursuant to the requirements of Chapter 4513 of the Ohio Revised Code, and upon such certification the **vehicle** shall not be considered a **junk motor vehicle.**

D. The **use** of any property as a gravel pit or for topsoil or turf removal or other similar stripping or mining operations shall not be permitted within the **Township.**

E. The outside burning or storage of paper, cardboard, wood, rubber waste, rubbish or other material and the unconcealed accumulation of such materials shall not be permitted within the **Township.** Stacked firewood is allowed. Occasional outside burning of brush with Fire Department approval is allowed.

F. No use, establishment or operation which creates or constitutes a public nuisance, or which creates hazards of fire, explosions, chemical fumes or gases shall be permitted in any zone.

G. Aviation fields, landing strips, or other facilities for the **use**, storage, servicing and maintenance of aircraft operated for commercial purposes shall not be permitted within the **Township.** (Amended June 29, 1981 - Amendment No. 23)

H. No portable, mobile, or temporary commercial **buildings** of any kind shall be permitted within the **Township,** except those incidental to permitted construction during the period of active construction. (Amended June 27, 1977 - Amendment No. 17)

I. No trucking terminals, truck storage, service or repairing of trucks, including truck trailers shall be permitted within the **Township.** (Amended June 27, 1977 - Amendment No. l7)

J. No commercial sales, services, or storage of **recreational vehicles,** large farm equipment, farm and garden power equipment shall be permitted within the **Township**. (Amended June 27, 1977 - Amendment No. l7)

K. No **self-service storage facility**, warehousing or storage of commodities shall be permitted within the **Township**, except as permitted under Section 4.10 of this Resolution. (Amended June 27, 1977 - Amendment No. l7 and August 19, 2005 - Amendment No. 2005-1)

L. No commercial food preparation or warehousing, except as provided in Section 6.5.J, or 6.5.K shall be permitted within the **Township**. (Amended September 16, 2016 – Amendment No. 2016-3)

M. No tool or machinery rental, repair and service shall be permitted within the **Township.** (Amended June 27, 1977 - Amendment No. 17)

N. No lumber and **building** supply storage and sales shall be permitted within the **Township.** (Amended June 27, 1977 - Amendment No. 17)

O. No sales of automotive parts and accessories except as a secondary service in connection with a **gasoline service station** pursuant to the provisions of Section 5.3 (c) of this Resolution shall be permitted within the **Township.** (Amended June 27, 1977 - Amendment No. l7)

P. No commercial sales or service of new or used construction equipment, motor **vehicles,** motorcycles, or snowmobiles shall be permitted within the **Township.** (Amended September 16, 2016 – Amendment No. 2016-3)

Q. No automatic, semi-automatic or self-service automobile or motor **vehicle** washes shall be permitted within the **Township.**

R. No on-site commercial dry-cleaning and/or laundry operations shall be permitted within the **Township.** (Amended September 16, 2016 – Amendment No. 2016-3)

S. *Repealed as of August 17, 2016, by Amendment No. 2016-3.*

T. *Repealed as of May 6, 2011, by Amendment No. 2011-1.*

U. All other **uses** not specifically permitted in each of the zone districts as a regular or **conditional use** are hereby prohibited. (Amended June 27, 1977 - Amendment No. 17)

V. Accessory buildings shall not be located in the **front yard** or in front of a principal building, except as provided in 4.6(D).

W. Exterior lighting fixtures and devices from which direct **glare** is visible on adjoining roads or **lots** shall be prohibited. Flashing lights shall be prohibited except as permitted under Section 4.11.C.1 of this Resolution. (Amended July 3, 2004 – Amendment No. 2004-3)

1. Exterior lighting shall conform to requirements of Section 4.14.

X. **Medical marijuana** cultivators, processors, or retail dispensaries shall be prohibited in accordance with Ohio Revised Code Section 519.21. (Amendment No. 2016-8)

Y. Other manufacturing, processing or any activity which produces noxious odors, vibration, smoke, heat, **glare,** flame, dust, or noise, which adversely affects the public health, safety, and general welfare, shall be prohibited.

Z. Manufactured and **mobile home** parks shall be prohibited. A **mobile home** on an individual **lot** shall be prohibited.

aa. The storage, incineration or burial of **hazardous waste** as defined in **O.A.C.** Section 3745-51-03 and **O.R.C.** Section 3734.01(J) shall be prohibited.

bb. Landfills for the burial of solid waste, open dumping, solid waste facilities, solid waste transfer facilities, construction and demolition debris facilities, and scrap tire collection facilities as defined in **O.R.C.** Chapter 3734 shall be prohibited.

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

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

ee. The use of **vehicles**, parts of **vehicles** shall be prohibited. Portable storage containers used for transport of household or similar items may be temporarily located on a **lot** during loading and unloading, duration on **lot** not exceeding 90 calendar days.

ff. Short-term rental of a **dwelling,** in whole or in part, involving transient occupancy for thirty (30) consecutive calendar days or less by persons other than the owner of record of the affected premises, for which the owner receives monetary compensation pursuant to a rental agreement, shall be prohibited.

gg. Small wind farms and small solar facilities shall be prohibited.

(Amended March 18, 2017 – Amendment No. 2016-8)

4.8 Private Swimming Pools

Private **swimming pools** accessory to individual residences may be constructed as accessory **uses** in all zones subject to the following regulations:

A. Private pools may be used only in conjunction with the residential **use** of property where residential **use** is the principal use of the property for the sole pleasure of the residents and their guests and cannot in any way be operated as a **club** or for profit under this section.

B. Such pools including bath houses, cabanas, filtration houses and similar appurtenances, but excluding any **patio,** apron, or other surface constructed adjacent thereto shall be subject to the same **yard** and setback regulations as those governing the development of the principal **uses** in each zone.

C. Outdoor **swimming pools** shall be fully enclosed by a protective **structure** that will restrict uncontrolled access to the pool. Such **structure** may be a **fence** or a wall that is at least four (4) feet in height, and any gates or other entries through such **fence** or wall shall be self-closing, self-latching and lockable. Such protective **structure** may be an automatic pool cover meeting ASTM International standards. (Amended 03/31/95 - Amendment No. 95-1; 12/31/04 – Amendment 2004-4)

D. All pool construction and operation shall be in accordance with all standards and regulations established by Geauga County and the Ohio Health Departments and any other regulations governing the construction and operation of such facilities.

E. All pool construction shall be approved by the Russell **Township Zoning Inspector** and shall require a **zoning certificate,** except as provided in 4.6(C).

4.9 Floor Area of Dwellings

Each **dwelling unit** hereafter erected, constructed, altered or relocated within the **Township** shall provide a minimum **floor area,** regardless of the number of levels or stories, which when projected upon the ground, will be sufficient to encompass one thousand five hundred (1,500) square feet of ground area. This requirement may be reduced to not less than one thousand two hundred and fifty (1,250) square feet if basement area with a clear height of six (6) feet, nine (9) inches and equal to sixty (60) percent of the projected **floor area** is provided, exclusive of **garages** or **garage** areas. (Amended in February of 1957 from 750 sq. ft. to 1,200 sq. ft. Amended again October 7, 1971 - Amendment No. 5)

4.10 Agriculture, Public Utilities, and Powers Not Conferred by Chapter 519 of the Ohio Revised Code or this Resolution

A. Except as otherwise provided herein, 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**. Provided, however, a fully completed agricultural exemption form shall be completed and filed by the property owner with the Zoning Inspector for approval**.**

B. This Resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or **structures** of any **public utility** or railroad, whether publicly or privately owned, or the **use** of land by any public utility or railroad, for the operation of its business. As used in this Resolution, "**public utility"** does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734 of the Ohio Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of the Ohio Revised Code. However, subject to R.C. 519.211(B)(4)(a), the provisions of this Resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities

C. This Resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or **restaurant** is permitted by this Resolution.

D. This Resolution does not prohibit in a **district** zoned for agricultural, industrial, residential, or commercial uses, the **use** of any land for a **farm market**, as defined in **O.R.C.** Section 519.21(C)(1), 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. However, a **farm market** shall conform to all of the minimum setback requirements for the zoning district in which it is located.

E. This Resolution does not apply with respect to a building or **structure** of, or the **use** of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or **structures** of a **public utility** engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public **street,** road, or highway in this state, and with respect to the **use** of land by any such **public utility** for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901., 4903., 4905., 4909., 4921., and 4923. of the Ohio Revised Code.

F. Pursuant to **O.R.C.** Section 4906.13, the Resolution shall not apply to the construction or operation of a major utility facility as defined in **O.R.C**. Section 4906.01 or to an economically significant wind farm as defined in **O.R.C**. Section 4906.134 and authorized by a certificate issued pursuant to Chapter 4906 of the **O.R.C**. A major utility facility includes a large wind farm and a large solar facility. A large wind farm and a large solar facility shall have the same meanings as in **O.R.C**. Section 4906.01.

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. and 4.6(D)

H. This Resolution does not prohibit in a **district** zoned for agricultural, industrial, residential, or commercial **uses**, the **use** of any land for biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural **use** under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes. As used herein, “biodiesel,” “biomass energy,” and “electric or heat energy” have the same meanings as in Section 5713.30 of the Ohio Revised Code.

I. This Resolution does not prohibit in a **district** zoned for agricultural, industrial, residential, or commercial **uses**, the **use** of any land for biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural **use** under 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 (17,060,710) British thermal units, five (5) megawatts, or both. As used in this section, "biologically derived methane gas" has the same meaning as in Section 5713.30 of the Ohio Revised Code.

J. This Resolution does not prohibit in a **district** zoned for agricultural, industrial, residential, or commercial **uses**, the **use** of any land for agritourism. As used herein, "agritourism" has the same meaning as in Section 901.80 of the Ohio Revised Code. However, any building or **structure** incidental to agritourism shall conform to all of the minimum setback requirements for the zoning district in which it is located pursuant to Ohio Revised Code Section 519.21(C)(4).

4.11 SIGNS

A. General

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

A. To allow businesses, institutions, and individuals to exercise their right to free speech by displaying an image on a sign, and to allow audiences to receive such information.

B. To promote and maintain visually attractive, residential, retail, commercial, and historic open space.

C. To ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents and maintain a safe and orderly pedestrian and vehicular environment.

D. To protect property values.

E. To promote public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions.

F. To protect and preserve the aesthetic quality and physical appearance of the **Township.**

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

B. Substitution Clause

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

C. General Requirements For All Signs

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

2. No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention, including strings of lights.

3. No sign shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window providing access to any fire escape or exit excluding such signs specifically designed or required by applicable building or fire codes.

4. No sign or part thereof shall emit sound, be inflatable or contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices.

5. No sign shall be placed within any public **right-of-way** except governmental or public utility signs. No signs shall be placed on a public utility pole, except by a **public utility.**

6. Signs and support **structures** shall consist of weather resistant materials and shall be maintained in good repair and safe condition so as to prevent rust, rot, peeling, flaking or fading. Broken or cracked **sign faces** or panels, missing letters, flaking or peeling paint, malfunctioning electrical or lighting components, and other visible damage or deterioration shall be prohibited. Should any sign be or become unsafe, in disrepair, or be in danger of falling, the owner of the real property upon which the sign is located shall, upon written notice from the **Zoning Inspector,** proceed at once to put such sign in a safe and secure condition or remove the sign.

D. Prohibited Signs in All **Districts**

The following signs shall be prohibited in all zoning districts:

1. Signs that prevent the driver of a **vehicle** from having a clear and unobstructed view of official **governmental signs** and/or approaching or merging traffic.

2. Signs which interfere with, imitate or resemble an official **governmental sign**, signal or device.

3. Signs illuminated so as to interfere with the effectiveness of or which obscure an official **governmental sign,** signal or device.

4. Roof signs.

5. **Mobile signs** other than for a limited duration of not more than one week to occur not more often than once a year.

6. Any sign not otherwise permitted in this Resolution.

E. **Governmental Signs** Exempted

Signs erected and maintained pursuant to or required by any law or governmental.

F. Signs Permitted in All **Districts** Not Requiring a **Zoning Certificate**

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 sign per **lot, dwelling unit,** or use with a maximum area of (16) sixteen square feet per **sign** face and a maximum height of six (6) feet, except as may otherwise be specified herein.

2. One (1) nameplate sign per **lot**, **dwelling unit** or use with a maximum area of five (5) square feet per **sign face** indicating the name and addresses of the owners or occupants of the premises. This sign is intended to assist safety services in identifying the **lot.**

3. Directional (entrance and exit) signs on private property with a maximum area of four (4) square feet per **sign face** and containing only directional information.

4. One (1) temporary sign for each **lot** may be erected only with the permission of the Owner of the premises and shall not be posted on or erected in any manner which is destructive to property upon erection or removal. Temporary signs shall be unlighted and may have a maximum area of sixteen (16) square feet per **sign face** and a maximum height of six (6) feet. A temporary sign must be removed immediately if it becomes damaged or defaced. No temporary sign shall be erected within a public road **right-of-way** nor shall any such sign be posted on a utility pole. (Amended March 21, 2003 - Amendment No. 2002-3 and April 23, 2004 – Amendment No. 2004-2)

5. Window signs shall not exceed twenty (20) square feet nor 50% of the window area, whichever is smaller.

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

G. Signs Permitted in a Residential Zoning **District** Requiring a **Zoning Certificate** (see also Section F)

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

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

(1) Wall signs shall have a maximum area of five (5) square feet.
(2) Monument signs shall have a maximum area of five (5) square feet per sign face.

b. Professional signs for **home occupation** shall have a maximum area of four (4) square feet per **sign face.**

2. One (1) **monument sign** per platted residential **subdivision** with a maximum area of thirty (30) square feet face at the primary entry to the **subdivision.** One (1) additional **monument sign** is permitted at an additional entry road to the **subdivision,** if an additional entry exists. Such sign shall not exceed four (4) feet in height from the final grade. Such sign shall be maintained by the Owner of the real property upon which the sign is located or a Homeowner's Association, if applicable, and shall be designated on the final **subdivision** plat within a dedicated sign and **landscaping easement** or a separately recorded **easement** instrument.

H. Signs Permitted in the Commercial (C-S-1 and C-S-2), **Office Building** (OB) and Limited Business (LB) Zoning **Districts** (See also Section F) (Amended August 20, 2016 – Amendment No. 2016-2)

1. Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial, **office** building zoning and limited business **districts** upon the issuance of a **zoning certificate** and subject to the following regulations:

a. Each use may be permitted one (1) of the following signs on a **lot**: wall, projecting or **marquee. Wall signs** shall not exceed an area of fifty (50) square feet. A business located on a corner **lot** shall be permitted one (1) additional **wall sign** per dedicated road **frontage.**

b. Projecting signs shall not exceed more than (4) feet measured from the face to the building to which such sign is attached. Projecting sign shall have a maximum area of ten (10)) square feet per sign face.

c. **Marquee signs** shall not extend more than eight (8) feet from the face of the building to which such sign is attached. **Marquee signs** shall not exceed ten (10) square feet per **sign face.**

2. In addition to a wall, projecting, or **marquee sign,** one (1) **monument or pylon sign** may be permitted on the premises. Such sign shall not exceed sixteen (16) square feet per **sign face.**

3. In lieu of the permitted **monument or pylon sign** in paragraph 2 above, one (1) or more groups of users within the same building, buildings, **structure,** or **structures,** and located on the same **lot,** may be permitted one (1) sign for all uses. Such signs shall be a **monument or pylon sign** and shall have a maximum area of twenty (20) square feet per **sign face.**

I. Measurement of Signs

1. Area - The surface or face of a sign shall be computed as including the entire area with 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.

2. 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.

J. Maximum Height Requirements
(Amended August 20, 2016 – Amendment No. 2016-2)

1. Projecting and **wall signs** shall not exceed the height of the wall face to which such signs are attached.

2. **Monument or pylon signs** shall have a maximum height of six (6) feet.

K. Minimum **Yard** Requirements

1. **Monument or pylon** signs shall have a minimum setback of ten (10) feet from the front lot line.

2. **Monument or pylon** signs shall have a minimum setback of ten (10) feet from the side and rear **lot lines.**

L. Removal of Damaged Nonconforming Signs

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

M. Removal of Signs

Any existing legal conforming or nonconforming sign must be removed if the use of the property associated with the sign has been discontinued for a period of three (3) months.

N. **Billboards**

1. 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 Section 6. No **billboard** shall be located, erected, constructed, reconstructed, enlarged or altered without first obtaining a conditional **zoning certificate** in accordance with this Resolution. Alteration should not include changing the content or elements of the sign face, or ordinary maintenance of structural components such as painting and shall not require the issuance of a conditional **zoning certificate.**

A **billboard** shall be classified as a business **use** and may be allowed in any Commercial (C-S-1 and C-S-2), **Office Building** (OB) and Limited Business (LB) zoning **District** or on lands **used** for agricultural purposes as defined in this Resolution. **Billboards** shall be prohibited in all other zoning **districts.**

2. 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.**

a. 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 (1) direction. There shall not be more than one (1) billboard **structure** with a maximum of two (2) **sign faces** on a **lot**.

b. A billboard shall be the principal **use** of the **lot** on which it is located.

c. 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.

d. **Billboards** shall be spaced a minimum of three thousand (3,000) 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.

e. A **billboard** shall be set back a minimum of three hundred (300) 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.

f. A **billboard** shall be set back at a minimum of three hundred fifty (350) feet from an existing residential **dwelling**, a **church** or place of worship, a **cemetery**, a s**chool,** 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.

g. A **billboard** shall be set back a minimum of three hundred (300) feet from any front **lot line.** The setback shall be measured from the front **lot line** to the nearest portion of the billboard.

h. A **billboard** shall be set back a minimum of three hundred (300) feet from any side **lot** line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.

i. **A billboard** shall be set back a minimum of three hundred (300) feet from any rear **lot line.** The setback shall be measured from the nearest rear **lot line** to the nearest portion of the billboard.

j. A **billboard** shall be set back a minimum of one thousand (1,000) feet from the **intersection** of any public roads, measured from the nearest road **right-of-way** to the nearest portion of the billboard.

k. A **billboard** shall be set back a minimum of thirty (30) 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.

l. The maximum height of a **billboard** shall be twenty-five (25) 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.

m. The maximum **sign face** of a **billboard** shall be two hundred (200) square feet.

n. No **billboard** shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.

o. A **billboard** projecting over a driveway shall have a minimum clearance of fifteen (15) feet between the lowest point of the sign and the finished driveway grade.

p. 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.

q. A **billboard** shall not employ any elements which revolve, whirl, spin or otherwise make **use** of motion.

r. 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**.

s. 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.

t. 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.

u. A **billboard** shall not be located within a regulatory **floodplain** per the latest version of the **Federal Emergency Management Agency** Flood Insurance Rate Maps of Geauga County.

v. A **billboard** shall not be located within a jurisdictional **wetland** as defined by the U.S. Army Corps of Engineers.

w. The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.

x. **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.

O. **Changeable copy signs**

Changeable copy signs shall be a **permitted use** in any Commercial (C-S-1 and C-S-2), **Office Building** (OB) and Limited Business (LB) zoning **district** and shall be subject to the applicable wall or **monument/pylon sign** regulations contained herein:

1. The maximum area devoted to the electronic digital display area or manual display area shall not exceed fifty percent (50%) of the area in each **sign face.**

2. The static electronic digital display shall be displayed for a minimum of three (3) minutes.

3. The change to another static electronic display shall be instantaneous.

4. The electronic digital display shall not include any image that moves, including animated, flashing, scrolling, intermittent or full motion elements of illumination.

5. If a malfunction occurs the electronic digital display area of the sign shall automatically display a black screen.

6. There shall be no more than one (1) wall or **monument/pylon sign** containing **changeable copy** located on the premises.

7. An electronic message sign shall not emulate a traffic control device.

8. No **changeable copy sign** shall be of such intensity as to create a distraction or nuisance for motorists.

9. Each such sign must be capable of regulating the digital display intensity and the light intensity level of the display must automatically adjust to natural ambient light conditions in order to avoid excessive **glare.**

4.12 Geothermal Heating Systems.
(Amended June 1, 1988 and August 31, 2001)

When **geothermal heating systems** are installed within any zoning **district** in the **Township**, regardless of whether the system is being utilized for new or existing buildings or **structures,** such systems shall be designed, installed and used only in accordance with the following regulations:

A. All geothermal systems permitted in the **Township** shall be installed and maintained as closed loop systems. A closed loop system is a **geothermal heating system** which is designed, installed and used in such a manner as to prohibit the discharge of water, chemicals or hazardous substances on the surface of the ground, into the ground or into ground water.

B. No **geothermal heating system** shall be installed within the **Township** without obtaining a **zoning certificate** from the **Zoning Inspector**. The applicant shall supply the **Zoning Inspector** with a list of specifications describing the type of system utilized, the name and address of the installer, and the specific equipment and systems to be utilized to ensure compliance with the requirements and regulations of the **Township'**s Zoning Resolution.

C. All **geothermal heating systems** shall be designed, installed and used in such a manner that they will prohibit the discharge of water on the surface of the ground.

D. All **geothermal heating systems** shall be designed, installed and used in such a manner as to eliminate discharge of any chemicals or hazardous substances into the ground, ground water, or on the surface of the ground.

E. All **geothermal heating systems** shall be designed, installed and used in compliance with all stated policies, written rules, regulations and laws of the State of Ohio and the Geauga County Board of Health, the Geauga County Building Department, the United States Environmental Protection Agency, or the successors to such agencies and boards.

F. All closed loop heat pump systems shall comply with the following requirements:

1. All vertical ground loop wells shall be grouted.

2. Vertical ground loop wells penetrating more than one aquifer must be constructed so as to prevent contamination from an aquifer of poorer

quality, whether caused by natural or man-made sources, to an aquifer of better quality.

3. All closed loop systems shall use an antifreeze solution or additive limited to ethanol or products specified for **geothermal heating systems.**

4. The heat exchange loops shall be constructed of high-density, high-molecular polyethylene pipe. All joints must be thermally fused. Metal clamps are not permitted to be used to join pipes.

G. Each applicant for a **geothermal heating system** shall provide such information in addition to that required by this Zoning Resolution to the **Zoning Inspector** as the **Zoning Inspector** deems necessary in order to assure compliance with the **Zoning Resolution.**

4.13 Water Management and Sediment Control

(Amended April 23, 2004 – Amendment No. 2004-1; deleted May 18, 2007)
(Replaced May 18, 2007 - Amendment No. 2007-1)

The purpose of this regulation 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. This regulation is intended to allow development while minimizing increases in downstream flooding, **erosion,** and sedimentation, and to reduce water quality impacts to receiving water resources and **wetlands** that may be caused by new development or redevelopment activities.

This regulation applies 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 in this resolution. This regulation also applies to all **soil disturbing activity** incident to or in preparation for the construction of any building, **structure,** or use regardless of when such **soil disturbing activity** occurs.

For the purpose of this regulation, 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. Said terms are a part of these regulations as though fully rewritten herein.

A. Requirements and Application Procedures

1. Two (2) sets of a Water Management and **Sediment Control** Plan or an abbreviated WMSC Plan with a letter from the Geauga **Soil and Water Conservation District** (SWCD) shall be submitted to the **Zoning Inspector** for the construction of all principal permitted, accessory, and conditional buildings, **structures**, uses, and off-

street parking, loading/unloading areas allowed by this resolution, any additions or alterations thereto, and any **soil disturbing activity** incident or in preparation thereto if either of the following conditions apply:

a. Any amount of land disturbance planned on a sublot within a platted and recorded **subdivision;** or
b. If one (1) acre or more of land will be disturbed on a parcel or on contiguous parcels under the same ownership of record.

2. An abbreviated WMSC Plans will be required for any principal permitted, accessory, and conditional buildings, **structures,** uses, and off-street parking, loading/unloading areas allowed by this resolution, any additions or alterations thereto, and any **soil disturbing activity** incident or in preparation thereto disturbing three hundred (300) square feet or more of area, and less than one acre. This plan shall follow the requirements and recommendations of an abbreviated WMSC plan submittal as indicated in the most recently adopted version of the Geauga County WMSC Regulations. The **zoning inspector** may require a letter from the Geauga SWCD indicating either compliance with or exemption from the most recent adopted version of the Geauga County WMSC Regulations.

3. A disapproved Plan shall receive a narrative report stating specific problems and 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.

4. Any **soil disturbing** activity shall not begin and a **zoning certificate** or a conditional **zoning certificate** shall not be issued without a WMSC Plan or an abbreviated WMSC Plan approved by the Geauga **SWCD** and the **Zoning Inspector.**

5. 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 GSWCD. The **Zoning Inspector** shall determine if any addition or alteration requires a resubmission as well as the issuance of a new **zoning certificate** or conditional **zoning certificate.**

6. Failure to comply with the conditions of an approved WMSC Plan shall be a violation of this regulation.

4.14 Exterior Lighting

(Amended July 3, 2004 – Amendment No. 2004-3)

A. 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.**

B. In order to minimize **light trespass**, all exterior lighting fixtures with lamps rated at 2,500 lumens or more shall be of the full cutoff type. Light fixtures producing light directly from the combustion of fossil fuels such as natural gas or kerosene are not required to be a full cutoff fixture.

C. Exterior lighting fixtures shall be certified to be in conformity with the International Dark Sky Association fixture seal of approval program in order to minimize **glare** while reducing **light trespass** and sky glow. Residential **districts** are exempt from this requirement.

D. The **Zoning Inspector** shall require an **applicant** of a **zoning certificate** other than Residential **District** to provide a photometric plan, prepared by a qualified engineer, to ensure compliance with the exterior lighting regulations in this Resolution.

E. All lighting, except **street** lighting or as otherwise exempted in this Resolution, shall meet the following requirements to minimize **light trespass** and **glare** such that:

1. No more than 1.0 foot-candles as measured on a vertical plane located at the property line of the adjacent property.

2. Exterior lighting in residential zones without shielding shall not exceed 100 watts or 1600 lumens LED.

4.15 Fire Protection Ponds

(Amended December 1, 2006 – Amendment No. 2006-2)

Fire protection **ponds** shall be designed in accordance with current standards and specifications for such **ponds** as established by the Russell **Township** Fire Department. No **zoning certificate** shall be required for the installation of a **fire protection pond** and **dry hydrant**, but the **Zoning Inspector** must receive written approval of such **pond** and hydrant from the Russell **Township** Fire Department prior to the issuance of a **zoning certificate** or approval of a final plat when this regulation requires a **fire protection pond**. The property owner shall grant the Russell **Township** Fire Department the perpetual right of access to the **dry hydrant.**

Construction of a building or a group of buildings which results in at least 25,000 sq. ft. of gross **floor area** on a **lot** shall include a **fire protection pond** and **dry hydrant** constructed by the owner, if required by the Russell **Township** Fire Department.

A platted **subdivision** containing ten (10) or more sublots shall include a **fire protection pond** and **dry hydrant** constructed by the owner when storm water management is required by the regulations enforced by the Geauga **Soil and Water Conservation District** and a **detention pond** or **retention pond** is proposed. If the **subdivision** is phased the fire protection **pond** and **dry hydrant** shall be constructed in the initial phase.

4.16 Riparian Setbacks

(Amended February 22, 2008 - Amendment No. 2007-4)

A. Purpose and Intent

1. 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:

   a. Preserve and conserve the quality and free flowing condition of **designated watercourses** in the interest of promoting and protecting public health and safety.

   b. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.

   c. 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.

   d. Reduce pollutants in **designated watercourses** during periods of high flows by filtering, settling, and transforming pollutants already present in such **watercourses.**

   e. Reduce pollutants in **designated watercourses** by filtering, settling, and transforming pollutants in runoff before they enter such watercourses.

   f. Provide **designated watercourse** habitats with shade and food.

   g. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.

   h. Provide riparian habitat with a wide array of wildlife by maintaining diverse and connected riparian vegetation.

i. 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.

2. These regulations are intended to minimize encroachment on **designated watercourses** and limit the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses. By minimizing encroachment, it is intended to reduce potential damage to individual property owners' real property that otherwise may be developed too close to a **designated watercourse**, and to reduce potential threats to the general public health and safety within the affected watershed.

3. 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.

4. These regulations have been enacted in compliance with the Russell **Township** Phase II Storm Water Management Program, adopted March 5, 2003, as required by 40-C.F.R. Parts 9, 122, 123, and 124.

B. Applicability

1. These regulations shall only apply when the following two (2) conditions are met:

   a. **Soil disturbing activities** regulated by this Resolution are proposed in, or within fifty (50) feet of, a **riparian setback** as set forth in these regulations; and

   b. A **zoning certificate** or conditional **zoning certificate** is required.

2. These regulations shall apply to all zoning **districts**.

3. 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.

4. 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 Section 7 Non-conformance.

5. 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 Section 7 Non-conformance.

6. 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.

C. Establishment of **Designated Watercourses** and **Riparian Setbacks**

1. **Designated watercourses** shall be divided into three classes using the following criteria:
   a. All **watercourses** draining an area equal to or greater than twenty (20) square miles.
   b. All **watercourses** draining an area equal to or greater than one-half (0.5) square mile and up to twenty (20) square miles, or

   c. 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 **Soil & Water Conservation District** (SWCD) or other technical experts.

2. **Riparian setbacks** on **designated watercourses** shall be established as follows:

   a. A minimum of one hundred twenty (120) feet on each side of all **designated watercourses** draining an area equal to or greater than twenty (20) square miles.

   b. 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.

   c. 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.

3. The following regulations shall apply to **riparian setbacks:**

   a. **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 C.3.e below.

b. **Riparian setbacks** shall be preserved in their natural state to the extent consistent with the intent and purpose of this regulation.

c. 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.

d. 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.

i. An additional minimum setback of fifty (50) feet extending beyond the outermost boundary of a **category 3 wetlands.**

ii. An additional minimum setback of thirty (30) feet extending beyond the outermost boundary of a **category 2 wetlands.**

iii. No additional setback shall be required beyond the outermost boundary of a **category 1 wetlands.**

e. 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 C.3.c and d above. The creation of new in-line impoundments shall not be permitted under this Resolution.

D. Riparian Setback Guide Map

1. A guide map identifying **designated watercourses** and their **riparian setbacks** is attached hereto and made a part of this regulation. The map is identified as Appendix C. The **riparian setback** guide map may be utilized as a guide or reference document by the **Zoning Inspector** and the Board of Zoning Appeals in determining when the

riparian setback applies.

2. Nothing in this regulation shall prevent the **Township** from amending the **riparian setback** guide map from time to time as may be necessary.

3. If any discrepancy is found between the **riparian setback** guide map and these regulations, or between existing **site** conditions and the **riparian setback** guide map, the criteria set forth in paragraph C above, as applied to the existing **site** conditions, shall prevail.

E. Applications and **Site** Plan

1. 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** that are regulated within, 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 all **site** plans submitted to the **Zoning Inspector.**

2. 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.**

3. 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.

F. Permitted Buildings, Structures and Uses Within a **Riparian Setback** Without a **Zoning Certificate**

Buildings, structures, **uses** and related **soil disturbing activities** that do not require a zoning certificate under this Zoning Resolution may be permitted within a **riparian setback,** including:

1. Fishing, hunting, picnicking, picnic tables, trails, walkways, and paths for nonmotorized **vehicles** constructed of pervious materials.

2. Damaged or diseased trees and other associated debris may be removed.

3. 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.**

4. The maintenance of existing, and the cultivation of new **landscaping,** shrubbery, and trees.

5. Water supply wells subject to the regulations enforced by the Geauga County General Health District or the Ohio EPA.

6. Passive open space to preserve the **riparian setback** area in its natural state.

7. Composting of natural materials from the affected **lot,** not for commercial retail sale or use.

8. **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.

G. Permitted Buildings, Structures and **Uses** Within a **Riparian Setback** With a **Zoning Certificate**

Only 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.

1. 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:

   a. A **site** plan showing that any proposed project conforms to the general and special conditions of the applicable Nationwide Permit, or

   b. A copy of the authorization letter from the U.S. Army Corps of Engineers approving the activities under the applicable Nationwide Permit, or

c. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

2. 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:

   a. A **site** plan showing that any proposed crossing conforms to the general and special conditions of Nationwide Permit 13, or

   b. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or

   c. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

3. Signs in accordance with this Zoning Resolution.

4. **Fences** and walls in accordance with this Zoning Resolution.

5. Boat ramps, decks and docks.

H. Buildings, Structures and **Uses** Prohibited Within a **Riparian Setback**

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

1. There shall be no buildings, structures, **uses,** or related **soil disturbing activities** of any kind except as permitted under these regulations.

2. There shall be no parking spaces, parking **lots, loading/unloading spaces**, or related **soil disturbing activities.**

3. There shall be no roads or **driveways** except as permitted under these regulations.

I. Inspections of **Riparian Setbacks**

The **Zoning Inspector** shall inspect the delineation of **riparian setbacks.**

1. 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.**

2. 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.

4.17 Alternative Energy

A. **Freestanding solar panels** and **solar panel arrays** shall be permitted in all zoning **districts** subject to the following regulations and shall require the issuance of a **zoning certificate.** Such **solar panels and arrays** shall:

1. Be classified as a permitted accessory structure and **use** on a **lot.**

2. Not be located in front of the principal building and shall not project past the width of the principal building.

3. Conform with all of the minimum setbacks for the zoning **district** in which located.

4. Conform with the minimum **riparian setbacks** in accordance with this Resolution.

5. Have a maximum height of fifteen feet measured vertically from the **finished grade level** immediately adjacent to the mounting base of the **solar panel** or array to its highest point.

6. Be included in calculating maximum **lot coverage** by determining the area in the **solar panel(s).**

7. Not create **glare** on adjacent **lots** or road **right-of-ways.**

8. Be installed in accordance with all applicable building and electrical codes.

9. Not have any signage attached other than the manufacturers and installer's identification information.

10. Upon permanent discontinuance of use and written notice by the **Zoning Inspector,** be completely decommissioned and removed from the **lot** within ninety (90) days of such notice.

B. Roof mounted **solar panels** and **solar panel arrays** shall be permitted in all zoning **districts** subject to the following regulations and shall not require the issuance of a **zoning certificate.** Such **roof mounted solar panels** and **solar panel arrays** shall:

1. Be classified as an accessory structure and **use.**

2. Not extend beyond the roof line in any direction including the peak.

3. Not reflect any apparent change in relief or projection of any roof elevation, provided however, on a flat roof a **solar panel** shall not project vertically more than thirty-six inches (36") from the surface of the roof.

4. Not be positioned so as to create **glare** on to adjacent **lots** or road **right-of-ways.**

5. Be installed in accordance with all applicable building and electrical codes.

6. Not have any signage attached other than the manufacturers and installer's identification information

7. Upon permanent discontinuance of use and written notice by the **Zoning Inspector,** be completely decommissioned and removed from the roof and **lot** within ninety (90) days of such notice.

C. Solar facilities of 50 megawatts or greater are exempt from this Zoning Resolution and are regulated by the State of Ohio.

D. **Wind turbines** shall be permitted in all zoning **districts** subject to the following regulations and shall require the issuance of a **zoning certificate. Wind turbines** shall:

1. Be classified as an accessory structure and **use** and there shall be no more than one (1) one on a **lot.**

2. Conform with all of the minimum setbacks for the zoning **district** in which located.

3. Conform with the minimum **riparian setbacks** in accordance with this Resolution.

4. Be a setback minimum of 1.1 times the height of the tower measured from all **lot lines.** Maximum height is the vertical distance from the **finished grade level** measured at the base of the tower to the tip of the blade or airfoil at its highest

point. A wind turbine tower shall not have any guy wires and be of monopole construction only.

5. Not be located in front of the principal building on a lot.

6. No portion of a **wind turbine** shall extend over off-street parking areas, **driveways** or utility lines.

7. Not have climbing rungs within twenty feet (20') of the surface of the adjacent ground surface.

8. Not be lighted unless required by Federal Aviation Administration regulations.

9. Be installed in accordance with all applicable building and electrical codes.

10. Not have any signage attached other than the manufacturers and installer's identification information.

11. Be equipped with over-speed controls to retain blade rotation speed within design limits.

12. Upon permanent discontinuance of **use** and written notice by the **Zoning Inspector,** be completely decommissioned and removed from the **lot** within ninety (90) days of such notice.

4.18 Electric Vehicle Charging Infrastructure

A. The purpose of this regulation is to allow for the construction and operation of Electric Vehicle Charging Infrastructure with the Township within the regulations of the Zoning Resolution.

1. Level 1 or Level 2 Electric Vehicle Charging Infrastructure located within Residential Zoning Districts are exempt from regulations within Section 4.18 of the Zoning Resolution.

2. Charging Infrastructure may be permitted an-accessory use in the following Zoning Districts: CS-1, CS-2, OB, APD, LB.

3. The designated parking spots for an Electric Vehicle Charging Infrastructure shall be above the minimum parking spaces required for the site.

4. Location for an Electric Vehicle Charging Infrastructure shall comply with the following:
   a. Ten (10) feet or more from any property line.

b. Twenty (20) feet or more from buildings having combustible exterior wall surfaces.
c. Ten (10) feet or more from buildings having a minimum one-hour fire resistive exterior surface.
d. Twenty (20) feet minimum separation from gasoline or other fuel dispensing stations.

5. Township Fire Department shall review Electric Vehicle Charging Infrastructure:
   a. Township Fire Department shall review and provide comments to the BZA prior to review of the conditional use application for the Electric Vehicle Charging Infrastructure.

   b. Township Fire Department shall review the installation of the Electric Vehicle Charging Infrastructure prior to and condition precedent to operation of the Electric Vehicle Charging Infrastructure.

   c. Township may inspect the Electric Vehicle Charging Infrastructure at time interval selected by the Township Fire Department. Written comments by the Township Fire Department following an inspection shall be addressed timely by the operator of the Electric Vehicle Charging Infrastructure. The Township Fire Department may direct closure of the Electric Vehicle Charging Infrastructure upon identification of risks or dangers to health, safety, and welfare to Township residents or users of the Electric Vehicle Charging Infrastructure.

6. The Electric Vehicle Charging Infrastructure shall comply with all local and state codes.

7. The property owner shall have the Electric Vehicle Charging Infrastructure inspected by a qualified third party once a year, with copy of inspection report provided to the Township Fire Department and the Township Zoning Inspector. Deficiencies identified in the inspection report shall be promptly corrected by the property owner.

SECTION 5 ZONING AND OVERLAY DISTRICT REGULATIONS

5.1 In accordance with **Township** objectives, to provide for orderly development of lands within the community appropriate for residential **use**, to take account of geological conditions and capacity to support development with on-site sewage disposal and water supply, to protect water table recharge from pollution, to protect the semi-rural character and **open spaces** of the **Township,** and to protect the values of wildlife and the natural environment, regulations are set forth in this Section governing the following zoning **districts**:

1. R-3 - Residential
2. R-5 - Residential
3. CS-1 – Commercial and Services One
4. CS-2 - Commercial and Services Two
5. OB - Office **Building**
6. PPD - Passive Park District
7. APD - Active Park District
8. LB - Limited Business

Each zoning **district** covers the area designated in Section 3, Establishment of Zoning **Districts,** and shown on the Zoning Map.

(Amended September 16, 2016 – Amendment No. 2016-3)

5.2 Residential Zoning Districts

The following regulations shall apply to each Residential zoning **districts** as indicated:

A. **Use** regulations applicable to all residential zoning **districts**:

1. Permitted **uses**

.. A single one-**family dwelling** per lot. Such single one-**family dwelling** may be a **manufactured home** on a permanent **foundation** or an **industrialized unit.**

.. Agricultural **uses**, according to the provisions of Section 4.10

.. Public **uses,** land and **buildings** provided that no **building** or facility shall be located less than one hundred (100) feet from any lot used for residential purposes and that all parking and service and storage areas be screened with fencing, hedges, or other appropriate means, from all adjacent property and

streets.

.. Licensed residential facilities.

2. Accessory **uses**

.. Home occupations provided such uses shall occupy not more than thirty (30) percent of the total **floor area** of the **dwelling**, and no persons not resident within the **dwelling** shall be employed in such use. In no case shall such occupations include the commercial manufacture, storage, display and sale of merchandise within the **dwelling** nor within any accessory **building**, nor anywhere on the property, nor in any way alter the exterior appearance of the **building** from that of a **dwelling,** except for a **sign** as provided in this Resolution. A **home occupation** may be subject to inspection by the Russell **Township** Fire Department to ensure compliance with applicable fire safety codes.

.. Private **garages** and storage **buildings.**

.. Private **swimming pools,** subject to the provisions of Section 4.8

.. Other uses customarily incidental to permitted principal **uses** on the property or lot

.. Farm produce stands may be operated for the sale of farm products produced and processed on the premises, provided that such stands shall be situated not less than twenty (20) feet from the front lot line and that parking areas be provided sufficient for the safe parking of at least three (3) automobiles or for one (1) automobile for every one hundred (100) square feet of area encompassed by the stand, whichever is greatest. All **signs** shall conform to regulations set forth in Section 4.11 of this Resolution.

.. **Type B family day care homes and type B homes** within the principal **dwelling** on a lot.

.. **Accessory uses** cannot include **short-term rentals.**

.. **Accessory dwelling units** subject to the following regulations:

a. Only one (1) accessory **dwelling unit** may be permitted on a lot.

b. It shall be attached to the principal single **family dwelling unit** by a common wall with at least one (1) point of internal ingress/egress between the **dwelling units**. The common wall area for the accessory

dwelling unit shall be a minimum of fifty percent (50%) of the principal **dwelling unit** wall to which it is attached. Attachment of an accessory **dwelling unit** to a principal **dwelling unit** by an enclosed or unenclosed **breezeway**, hallway, **porch,** deck, **patio** or walkway is not permitted.

c. The maximum **floor area** shall be thirty percent (30%) of the total **floor area** of the principal single-**family dwelling,** not to exceed eight hundred (800) square feet.

d. The area within an accessory **dwelling unit** shall not include space for cooking facilities.

e. An attached **garage,** if separate from an attached **garage** serving the principal **dwelling unit,** shall not be permitted.

f. The principal single **family dwelling unit** shall be occupied by the owner of the lot, and all occupants of the accessory **dwelling unit** shall be members of the owner's **family.** The principal single **family dwelling unit** and the accessory **dwelling unit** shall be occupied by members of one (1) **family.** For purposes of this regulation, **"family"** shall mean one (1) or more persons related by blood, adoption, guardianship or marriage.

g. An accessory **dwelling unit** shall not be classified as a two-**family dwelling,** a **dwelling** containing two (2) separate **dwelling units** to be occupied by two (2) families; or, as a multi-**family dwelling,** a **dwelling** containing three (3) or more separate **dwelling units** to be occupied by three (3) or more families.

h. It shall be in conformity with all of the other regulations for the affected zoning **district** that apply to a principal single **family dwelling unit.**

i. In order to ensure compliance with the provisions of this section, an application for a **zoning certificate** shall include an "Affidavit of Fact Deed Addendum" pursuant to **O.R.C.** 5301.252 and as set forth in the requisite form available from the **Zoning Inspector.** The affidavit shall be recorded with the **County** Recorder after it has been executed by the real property owner(s) and reviewed by the **Zoning Inspector.** The **zoning certificate** shall not be issued until a copy of the recorded affidavit has been provided to the **Zoning Inspector.**

3. **Conditional uses**

   .. Planned residential developments in accordance with Section 6.5(A).

   .. Parochial or private **schools,** philanthropic, and charitable institutions and organizations in accordance with Section 6.5(B).

   .. **Churches** in accordance with Section 6.5(C).

   .. Private or commercial and **recreational** areas and facilities in accordance with Section 6.5(D).

   .. Restricted research and administrative **office** campuses in accordance with Section 6.5(E).

   .. Billboards on any land used for agricultural purposes in accordance with Section 6.5(H).

4. Maximum Heights of Buildings - The maximum height of any building, including appurtenant or accessory structures such as towers, turrets, poles or **antennas** shall not exceed three (3) stories or measure more than thirty-six (36) feet above grade, whichever is less.

5. No commercial **vehicle** exceeding five thousand five hundred (5500) pounds, net **vehicle** weight, nor exceeding twenty (20) feet in length nor eight (8) feet in height shall be parked on residential property. No construction equipment over six thousand (6,000) pounds net weight, twenty (20) feet in length nor eight (8) feet in height shall be parked on residential property unless actively engaged in performing work on the property. (Amended October 18, 1996 - Amendment No. 96-4)

6. Prohibited **uses**

   .. **Short term rentals** are prohibited in all residential zoning districts.

B. Dimensions which apply to lot size and **building** placement in residential zoning **districts:**

	Pre-Existing Lots of Record Under 3 acres in R-3 or R-5 Zoning **District******	R-3 Zoning **District**	R-5 Zoning **District**
Minimum Lot Area*	60,000 sq. ft.	130,680 sq. ft. 3 acres	217,800 sq. ft. 5 acres
Minimum Lot Dimensions			
Width Depth frontage**	150 ft. 200 ft. 100 ft.	250 ft. 225 ft. 250 ft.	300 ft. 275 ft. 300 ft.
Minimum Yard Dimensions			
front depth rear depth side width***	70 ft. 25 ft. 30 ft.	100 ft. 75 ft. 50 ft.	125 ft. 100 ft. 50 ft.
Maximum Lot Coverage	10% of lot area for lots under 3 acres	10% of lot area for lots of 3 acres or greater	10% of lot area for lots of 3 acres or greater

* Except for **conditional uses** approved in accordance with Section 6.

** **Cul-de-sac lots** in accordance with Section 4.5.

** On a corner lot the **frontage** along each street shall meet the minimum frontage requirement for that lot. (Amended May 15, 1998 - Amendment No. 98-1)

***The **side yard** on the street side of a corner lot shall be the same as the **front yard** required for that street, and subject to the same restrictions as the **front yard.**

****Chagrin Heights **Subdivision:** The minimum lot area, width, depth, and **frontage** shall be as shown on the plats of record. The minimum **front yard** depth shall be 35 ft., the minimum **rear yard** depth shall be 25 ft., and the minimum **side yard** depth shall be 10 ft. The maximum lot coverage shall be 35%.

On pre-existing lots under three acres, public **buildings** are permitted provided that no **building** or facility shall be located less than one hundred (100) feet from any lot used for residential purposes and that all parking and service and storage areas be screened with fencing, hedges, or other appropriate means, from all adjacent property and streets.

Note: Minimum lot area is calculated exclusive of the area in the road **right-of-way.**
Note: Minimum **front yard** depth is measured from the road **right-of-way.**
Note: For accessory **buildings** on corner lots, setbacks for an accessory **building** on the side of the lot facing the secondary road shall comply with **side yard** setbacks.

5.3.1 C-S-1 Commercial and Services One Zoning District – Located at the **intersection** of S.R. 306 and S.R. 87 as shown on the Russell **Township Zoning Map.**

In order to provide for the development of small retail and services establishments to serve the daily shopping and service needs of the growing **Township** population in an orderly, safe, and attractive manner and within easy and convenient distance of residential areas within the **Township,** the C-S-1 Commercial and Services One Zoning **District** is established according to the following regulations:

A. **Permitted Uses** - Retail establishments providing goods and services regularly purchased by residents of the **Township** for their ordinary household needs, such as food stores, drug stores, clothing and apparel shops, hardware stores, and florist shops, but not including **gasoline service stations** or service **garages.**

.. Commercial service establishments including barber shops, banks, real estate **offices**, medical, dental, and similar professional **offices,** shoe repair, tailor, and similar service shops.
.. **Public uses,** lands and facilities.
.. Agricultural **uses** according to the provisions of Section 4.10
(Amended June 27, l977 - Amendment No. l6)

B. Permitted Accessory **Uses**

.. Private **garage** space for the storage of commercial **vehicles** in conjunction with any business or service uses permitted in this Zone
.. Other customary accessory **uses** and structures which are clearly incidental to the principal **uses** or structures

C. **Conditional Uses** - The following **conditional uses** are permitted subject to all provisions, requirements and procedures set forth in Section 6 of this Resolution.

.. **Churches** in accordance with Section 6.5(C).
.. Private or commercial recreational facilities in accordance with Section 6.5(D).
.. **Gasoline service stations** and service **garages**. Service stations primarily devoted to servicing trucks shall not be permitted.
.. Restricted research and administrative **office** campuses in accordance with Section 6.5(E).
.. Billboards in accordance with Section 6.5(H).
.. Adult oriented businesses in accordance with Section 6.5(I).
.. **Retail Food Service** within the 208 service plan area approved by the Board of **Township Trustees.**

D. Minimum Lot Area - Lot area shall be sufficient to provide for all requirements of setbacks, **yards**, off-street parking, **building** coverage, **buffers** and lot coverage specified for this Section, but shall in no case be less than one acre.

E. Minimum Lot Dimensions - Lot width and **frontage** shall be not less than one hundred (l00) feet.

F. Minimum **Yard** Dimensions

.. Each lot shall have a **front yard** of not less than seventy (70) feet
.. Each lot shall have a **rear yard** of not less than twenty-five (25) feet
.. Each **side yard** shall be not less than fifteen (15) feet, except that any **side yard** abutting a residential zoning **district** shall be not less than thirty (30) feet, and the street side of a corner lot shall be the same as the **front yard** required for abutting properties fronting on that street.

G. Maximum Height of **Buildings** - No **building**, including appurtenant or accessory structures such as towers, turrets, light poles, or antennas shall exceed the height of two and one-half (2 1/2) stories or measure more than thirty-six (36) feet in height from **building** grade, whichever is less. (Amended June 27, l977 - Amendment No. l6)

H. Maximum **Building** Coverage - Total **building** coverage including all accessory **buildings** and structures on any lot shall not exceed forty (40) percent of the total lot area. (Amended June 27, l977 - Amendment No. l6)

I. Off-street Parking - One off-street parking space shall be provided for each two hundred (200) square feet of gross **floor area.** Each parking space shall be ten (10) feet wide and twenty (20) feet long and shall be measured exclusive of driveways and passageways giving access thereto. (Amended June 27, l977 - Amendment No. l6) Any loading and unloading space(s) shall be located behind the principal **building**.

J. **Buffer** Zones - Where adjacent to residentially zoning **district** property, a minimum of a fifteen (l5) foot **buffer** zone shall be maintained from any **building,** parking area, o**r driveway** to the lot line in addition to the required **side yard** clearance of thirty (30) feet and **rear yard** clearances of twenty-five (25) feet as specified in Section 5.3.1 (F) of this Resolution. The **buffer** zone shall be suitably planted and maintained by the owner with evergreens and shrubbery that contains year-round foliage with said plantings to be at least four (4) feet wide, six (6) feet in height, and densely planted. However, such planting located within twenty-five (25) feet of the **intersection** of two (2) or more streets or access **driveways** shall have a maximum height of three (3) feet and a minimum height of two (2) feet. (Amended 06/27/77- Amendment No. 16 and 08/19/05 – Amendment No. 2005-3)

K. No on-site parking or **driveways** shall be constructed less than thirty (30) feet from the road **right-of-way** nor less than ten (l0) feet from the **side yard** lot lines.

More than one **driveway** - Where more than one **driveway** fronting on the same **right-of-way** is used for access to a parking or loading area, they shall be clearly defined as to entrance and exit and shall be separated by suitable plantings to a fifteen (l5) foot minimum width at the road right-of-way, sufficient to prevent vehicular use between the defined **driveways**. (Amended June 27, l977 - Amendment No. 16)

L. Size of **Buildings** - Not more than one separate **building** may be placed on a lot in common ownership or control. No separate establishment shall exceed five thousand (5,000) square feet of **floor area**. No **building** may be subdivided into more than five (5) separate establishments, either related or unrelated as permitted under this Resolution. An establishment shall be an entity of individual purpose and physical separation from all others. If in a multi-use **building**, it shall have floor-to-ceiling walls without openings, with separate entrances and exits. (Amended June 27, l977 - Amendment No. 16)

M. Maximum Lot Coverage - Lot coverage shall not exceed forty percent (40%). (Amended November 15, 2002 - Amendment No. 2002-1)

5.3.2 C-S-2 Commercial and Services Two Zoning District – Located at the **intersection** of S.R. 306 and Music Street as shown on the Russell **Township Zoning Map.**

In order to provide for the development of small retail and services establishments to serve the daily shopping and service needs of the growing **Township** population in an orderly, safe, and attractive manner and within easy and convenient distance of residential areas within the **Township,** the C-S-2 Commercial and Services Two Zoning **District** is established according to the following regulations:

A. Permitted **Uses** - Retail establishments providing goods and services regularly purchased by residents of the **Township** for their ordinary household needs, such as food stores, drug stores, clothing and apparel shops, hardware stores, and florist shops, but not including **gasoline service stations** or service **garages.**

.. Commercial service establishments including barber shops, banks, real estate **offices,** medical, dental, and similar professional **offices**, shoe repair, tailor, and similar service shops.
.. **Public uses,** lands and facilities.
.. Agricultural **uses** according to the provisions of Section 4.10
(Amended June 27, l977 - Amendment No. l6)

B. Permitted Accessory **Uses**

.. Private **garage** space for the storage of commercial **vehicles** in conjunction with any business or service **uses** permitted in this Zoning **District.**
.. Other customary accessory **uses** and structures which are clearly incidental to the principal **uses** or structures

C. **Conditional Uses** - The following **conditional uses** are permitted subject to all provisions, requirements and procedures set forth in Section 6 of this Resolution.

.. **Churches** in accordance with Section 6.5(C).
.. Private or commercial recreational facilities in accordance with Section 6.5(D).
.. **Gasoline service stations** and service **garages** in accordance with Section 6.5(F). Service stations primarily devoted to servicing trucks shall not be permitted.
.. Restricted research and administrative **office** campuses in accordance with Section 6.5(E).
.. Billboards in accordance with Section 6.5(H).

D. Minimum Lot Area - Lot area shall be sufficient to provide for all requirements of setback, **yards**, off-street parking, **building** coverage, **buffers** and lot coverage specified for this Section, but shall in no case be less than one acre.

E. Minimum Lot Dimensions - Lot width and **frontage** shall be not less than one hundred (l00) feet.

F. Minimum **Yard** Dimensions

.. Each lot shall have a **front yard** of not less than seventy (70) feet
.. Each lot shall have a **rear yard** of not less than twenty-five (25) feet
.. Each **side yard** shall be not less than fifteen (15) feet, except that any **side yard** abutting a residential zoning **district** shall be not less than thirty (30) feet, and the street side of a corner lot shall be the same as the **front yard** required for abutting properties fronting on that street.

G. Maximum Height of **Buildings** - No **building,** including appurtenant or accessory structures such as towers, turrets, light poles, or antennas shall exceed the height of two and one-half (2 1/2) stories or measure more than thirty-six (36) feet in height from **building** grade, whichever is less. (Amended June 27, l977 - Amendment No. l6)

H. Maximum **Building** Coverage - Total **building** coverage including all accessory **buildings** and structures on any lot shall not exceed forty (40) percent of the total lot area. (Amended June 27, l977 - Amendment No. l6)

I. Off-street Parking - One off-street parking space shall be provided for each two hundred (200) square feet of gross **floor area.** Each parking space shall be ten (10) feet wide and twenty (20) feet long and shall be measured exclusive of **driveways** and passageways giving access thereto. (Amended June 27, l977 - Amendment No. l6) Any loading and unloading space(s) shall be located behind the principal **building.**

J. **Buffer** Zones - Where adjacent to property in a residential zoning **district,** a minimum of a fifteen (l5) foot **buffer** zone shall be maintained from any **building,** parking area, or **driveway** to the lot line in addition to the required **side yard** clearance of thirty (30) feet and **rear yard** clearances of twenty-five (25) feet as specified in Section 5.3.2 (F) of this Resolution. The **buffer** zone shall be suitably planted and maintained by the owner with evergreens and shrubbery that contains year-round foliage with said plantings to be at least four (4) feet wide, six (6) feet in height, and densely planted. However, such planting located within twenty-five (25) feet of the **intersection** of two (2) or more streets or access **driveways** shall have a maximum height of three (3) feet and a minimum height of two (2) feet. (Amended 06/27/77- Amendment No. 16 and 08/19/05 – Amendment No. 2005-3)

K. No on-site parking or **driveways** shall be constructed less than thirty (30) feet from the road **right-of-way** nor less than ten (l0) feet from the **side yard** lot lines.

More than one **driveway** - Where more than one **driveway** fronting on the same **right-of-way** is used for access to a parking or loading area, they shall be clearly defined as to entrance and exit and shall be separated by suitable plantings to a fifteen (l5) foot minimum width at the road **right-of-way,** sufficient to prevent vehicular use between the defined **driveways**. (Amended June 27, l977 - Amendment No. 16)

L. Size of **Buildings** - Not more than one separate **building** may be placed on a lot in common ownership or control. No separate establishment shall exceed five thousand (5,000) square feet of **floor area.** No **building** may be subdivided into more than five (5) separate establishments, either related or unrelated as permitted under this Resolution. An establishment shall be an entity of individual purpose and physical separation from all others. If in a multi-use **building**, it shall have floor-to-ceiling walls without openings, with separate entrances and exits. (Amended June 27, l977 - Amendment No. 16)

M. Maximum Lot Coverage - Lot coverage shall not exceed forty percent (40%). (Amended November 15, 2002 - Amendment No. 2002-1)

5.4 O-B Office Building Zoning District - In order to provide a **buffer** zone between certain areas of the C-S Commercial Services Zoning **District** and the Residential Zone of the **Township,** and in order to provide for reasonable use and development of certain parcels adjacent to the C-S Commercial and Services Zoning **District** which are not deemed suitable for residential **use**, the O-B **Office Building** Zoning **District** is established according to the following regulations:
(Amended March 15, 1979 X Amendment No. 24)

A. **Permitted Uses**

.. **Office buildings** and **offices**, including medical, dental and administrative **offices**; but excluding all **offices** the operation of which involves delivery of goods or merchandise, of any nature or description, to customers or other persons or the storage of goods or merchandise. Trade samples may be stored but not sold or delivered on the premises. (Amended March 15, 1979 X Amendment No. 24)
.. **Public uses**, land and facilities.
.. Agricultural and **Public Utility** Uses according to the provisions of Section 4.10.

B. Permitted Accessory **Uses**

.. Private **garage** space and off-street parking for use in conjunction with **offices** permitted in this Zoning **District.** (Amended March 15, 1979 X Amendment No. 24)
.. Other customary accessory **uses** and structures which are clearly incidental to the principal use or uses. (Amended March 15, 1979 X Amendment No. 24)

C. Conditional **Uses** - The following conditional **uses** are permitted subject to all provisions, requirements, and procedures set forth in Section 6 of this Resolution. (Amended March 15, 1979 X Amendment No. 24)

.. **Churches** in accordance with Section 6.5 (C)
.. Restricted research and administrative **office** campuses in accordance with Section 6.5 (E)
.. Billboards in accordance with Section 6.5 (H)

D. Minimum Lot Area - Lot area shall be sufficient to provide for all requirements of setbacks, **yards**, off-street parking and **building** coverage specified for this Section, but shall in no case be less than one acre. (Amended 3/15/1979 X Amendment No. 24)

E. Minimum Lot Dimensions - Lot width and **frontage** shall be not less than one hundred (l00) feet. (Amended March 15, 1979 X Amendment No. 24)

F. Minimum **Yard** Dimensions - (Amended March 15, 1979 X Amendment No. 24)

.. Each lot with a depth of two hundred (200) feet or greater shall have a **front yard** depth of not less than one hundred (100) feet; each lot with a lot depth of less than two hundred (200) feet shall have a **front yard** depth of not less than sixty-five (65) feet as measured from the edge of the road **right-of-way.** No parking of **vehicles** shall be permitted within the front yard area.
.. Each lot shall have a **rear yard** of not less than fifty (50) feet.
.. Each side yard shall be not less than fifteen (15) feet, except that any **side yard** abutting a residential zone shall be not less than thirty (30) feet, and the street side of a corner lot shall be the same as the **front yard** required for abutting properties fronting on that street.

G. Maximum Height of **Buildings** - No **building,** including appurtenant or accessory structures such as towers, turrets, light poles, or antennas shall exceed the height of two (2) stories or measure more than thirty-six (36) feet in height from **building** grade, whichever is less. (Amended March 15, 1979 X Amendment No. 24)

H. Maximum **Building** Coverage - Total **building** coverage including all accessory **buildings** and structures on any lot shall not exceed twenty-five (25) percent of the net lot area, after deducting the front and rear set-back, **side yard**, and **buffer**-zone areas. (Amended March 15, 1979 X Amendment No. 24)

I. Off-street Parking - One off-street parking space shall be provided for each two hundred (200) square feet of gross **floor area.** Sufficient lot area shall be left unpaved to provide an area suitable for an on-site wastewater disposal system as required. Any loading and unloading space(s) shall be located behind the principal **building**.

Each parking space shall be ten (10) feet wide and twenty (20) feet long and shall be measured exclusive of **driveways** and passageways giving access thereto. (Amended March 15, 1979 - Amendment No. 24)

J. **Buffer** Zones - Where adjacent to residentially zoned property, a minimum of a fifteen (15) foot **buffer** zone shall be maintained from any **building**, parking area, or **driveway** to the lot line in addition to the required **side yard** clearance of thirty (30) feet and **rear yard** clearance of fifty (50) feet as specified in Section 5.4 (f) of this Resolution. The **buffer** zone shall be suitably planted and maintained by the owner with evergreens and shrubbery that contains year-round foliage with said plantings to be at least four (4) feet wide, six (6) feet in height and densely planted. However, such planting located within twenty-five (25) feet of the **intersection** of two (2) or more streets or access **driveways** shall have a maximum height of three (3) feet and a minimum height of two (2) feet. (Amended 03/15/79 - Amendment No. 24 and 08/19/05 - Amendment No. 2005-3)

K. No on-site parking or **driveways** shall be constructed less than thirty (30) feet from the road **right-of-way** nor less than ten (l0) feet from the **side yard** lot lines. (Amended March 15, 1979 - Amendment No. 24)

L. More than One Driveway - Where more than one **driveway** fronting on the same **right-of-way** is used for access to a parking area, they shall be clearly defined as to entrance and exit, and shall be separated by suitable plantings to a fifteen (l5) foot minimum width of the road **right-of-way**, sufficient to prevent vehicular use between the defined **driveways**. (Amended March 15, 1979 - Amendment No. 24)

M. Maximum Lot Coverage - Lot coverage shall not exceed forty percent (40%). (Amended November 15, 2002 - Amendment 2002-1)

5.5 Passive Park District Zoning District.

The Passive Park **District** is established for the following purposes:

To protect and preserve park lands, wilderness areas, **open spaces** and scenic areas.

To conserve fish and wildlife.

To promote forestry, **wetlands** and other natural habitats.

To protect, promote and maintain the areas ecosystem.

To enhance the public's knowledge of the areas ecosystem; and,

To educate the public with respect to the preservation of natural habitats.

The **use**s of property in such Zoning **District** shall be of a passive and educational nature such that they do not disturb the natural terrain, habitat and wildlife of the area but rather enhance such conditions, the understanding of such conditions and the passive enjoyment thereof. Property included in the Passive Park Zoning **District** on the **Township Zoning Map** shall comply with the following regulations:
(Amended March 22, 2002 - Amendment 2001-3)

A. Permitted **Uses:**

.. tree farms and silviculture but not logging for profit
.. cross-country skiing, ice skating, snow shoeing except in areas where prohibited by the appropriate Park Board regulations.
.. **wetlands.**
.. fishing in areas designated by applicable Park Board Regulations.
.. open agricultural uses not requiring extensive cultivation such as orchards and meadows.
.. hiking and nature observation
.. botanical gardens
.. horseback riding
.. **uses** authorized by the Zoning Board of Appeals through a variance.

B. Conditional **uses:**

.. observation **decks** or unroofed platforms and **patios**
.. blinds for nature observation only
.. other customary accessory **uses** and structures which are clearly incidental to **permitted uses** or structures as authorized by the Zoning Board of Appeals
.. nonvehicular trails which include surface improvements such as sand, gravel, pavement, drainpipes and the like.
.. **buildings**, structures, facilities and **uses** which enhance the public's awareness of the areas ecosystem as well as educate the public about maintaining and preserving the areas natural habitat. (Amended March 22, 2002 - Amendment 2001-3)

C. **Prohibited Uses:**

The following **uses,** though not an exclusive listing, are specifically prohibited within a Passive Park Zoning **District**:

.. any motorized **vehicle** except for parking as provided in Section 5.7
.. overnight camping
.. swimming
.. ball fields
.. car washing
.. golf courses
.. tennis courts
.. hunting
.. dumping of trash, waste or other offensive materials of any kind
.. all **uses** listed in Section 4.7 and 5.6 (C).

D. Minimum **Yard** Dimensions for Conditional **Uses:**

.. **front yard** not less than 150 feet
.. each **side yard** not less than 100 feet (Amended 7/04/03 - Amendment 2003-1)
.. **rear yard** not less than 100 feet.

E. Maximum height of **buildings:**

The maximum height of any **building**, including appurtenant or accessory structures such as towers, turrets, poles, and antennas shall not exceed two stories or measure more than twenty-four (24) feet above ground, whichever is less.

F. **Site** plan approval for Conditional **Uses:**

None of the conditional **uses** authorized for a Passive Park Zoning **District** shall be permitted until a **site** plan showing the proposed development of the area and **use** regulations submitted by the owner have been approved pursuant to Section 6 of the Russell **Township** Zoning Resolution. The **site** plan shall show the approximate dimensions of the following features and shall meet all the applicable requirements of Section 5.5:

1. The location of all **buildings** and accessory **buildings**.
2. The location and arrangement of automobile parking spaces and informational **signs.**
3. The location of all vehicular drives, entrances, and exits.
4. The location of all truck loading spaces and docks.
5. Existing and proposed landscaping.
6. The location of all pedestrian walkways and sidewalks.
7. The location of all other **site** features such as sewage and drainage system, walls, **fences,** general landscape features and topography, lighting and security.
8. Plans for compliance with applicable **stormwater management** and soil and sedimentation regulations.
9. All proposed conditions govern any conditional **use.**

The Zoning Board of Appeals may refuse to approve a **site** plan or regulations on the grounds that they fail to provide unity of development with other properties, fail to protect the public from a dangerous arrangement of **vehicles** on pedestrian ways, fail to adequately protect or **buffer** other property from any conflicting uses or **districts**, or that they fail to restrict uses to those consistent with the purposes of the Passive Park Zoning **District.** In addition, the **site** plan and regulations must meet the other standards enumerated in Section 5.5.

G. All parking and **signs** shall be subject to review under **conditional use** regulations, in accordance with the standards set forth below at Subsection 5.7.

After approval, a copy of the approved plan shall be filed with the **Zoning Inspector,** and no **zoning certificate** shall be issued except in conformity with the Plan. No zoning fees shall be charged for any permit or approval required herein.

5.6 Active Park District Zoning District.

The Active Park Zoning **District** is established to provide recreational facilities for the general population within a park-like setting and atmosphere; to promote certain healthy and beneficial outdoor leisure time activities for the general population which do not present a significant risk of harm to others, and to afford reasonable access for the public to outdoor athletic, social and educational activities. Unlike the Passive Park Zoning **District**, this **District** recognizes that certain outdoor activities require modification and **alteration** of natural terrain and disturbance of natural habitat. The Active Park Zoning **District** is created to achieve a balance between the public's need for active outdoor recreational facilities and the preservation of **open space,** light, and air for the enjoyment of such activities. Property included in the Active Park Zoning **District** on the **Township Zoning Map** shall comply with the following regulations:

A. **Permitted Uses:**

.. ball games, including hardball, softball, soccer, football, lacrosse, rugby and other similar athletic activities
.. jogging
.. tennis
.. swimming
.. picnic grounds, campgrounds
.. playgrounds
.. bicycling
.. all uses permitted in a Passive Park Zoning **District**
.. other customary accessory uses and structures which are clearly incidental to the **permitted uses** or structures

B. **Conditional Uses:**

.. ball fields, dugouts, **fences,** backstops, goal posts, hard surface tennis courts and other similar structures or facilities necessary to carrying on of any permitted or **conditional use**. Grandstands for spectators shall be limited, however, to four (4) rows in height and thirty (30) feet in length, two such grandstands per ball field. (Amended 7/04/03 - Amendment 2003-1)
.. barbeque pits and similar cooking facilities, shelters and camping facilities
.. swimming pools and pool houses
.. all **conditional uses** permitted in a Passive Park Zoning **District.**

C. Prohibited **Uses:**

The following **uses**, though not exclusive, are specifically prohibited within an Active Park Zoning **District:**

.. all-terrain **vehicles**, motorbikes, snowmobiles
.. golf courses
.. survival games
.. any activity involving the use of firearms, including hunting, skeet-shooting, and target practice
.. crossbow or archery
.. dumping of trash, waste or other offensive materials of any kind
.. all **uses** listed in Section 4.7.

D. Minimum setback (**yard**) of any **building**, structure or use:

.. **front yard** not less than 150 feet
.. each **side yard** not less than 100 feet (Amended 7/04/03 - Amendment 2003-1)
.. **rear yard** not less than 100 feet.

E. Maximum Height of **Buildings:**

The maximum height of any building, including appurtenant or accessory structures, such as towers, turrets, poles or antennas shall not exceed two stories or measure more than twenty-four (24) feet above ground, whichever is less.

F. **Site** Plan Development for **Conditional Uses:**

None of the **conditional uses** authorized for an Active Park **District** shall be permitted until a **site** plan showing the proposed development of the area and **use** regulations submitted by the owner have been approved pursuant to Section 6 of the Russell **Township** Zoning Resolution. The **site** plan shall show the approximate dimensions of the following features and shall meet all the applicable requirements of Section 6:

1. The location of all **buildings** and **accessory buildings**.
2. The location and arrangement of automobile parking spaces, and information **signs**.
3. The location of all vehicular drives, entrances, and exits.
4. The location of all truck loading spaces and docks.
5. Existing and proposed landscaping to include natural vegetation, evergreens and shrubbery, providing adequate screening and buffering. (Amended 7/04/03 - Amendment 2003-1)
6. The location of all pedestrian walkways and sidewalks.

7. The location of all other **site** features such as sewage and drainage system, walls, **fences**, general landscape features and topography, lighting and security devices.
8. Plans for compliance with applicable **stormwater management** and soil and sedimentation regulations.
9. All proposed conditions to govern **conditional uses.**

The Zoning Board of Appeals may refuse to approve a **site** plan or regulations on the grounds that they fail to provide unity of development with other properties, fail to protect the public from a dangerous arrangement of **vehicles** on pedestrian ways, fail to adequately protect or **buffer** other property from any conflicting uses or **districts** or that they fail to restrict uses to those consistent with the purposes of the Active Park **District.** In addition, the **site** plan and regulations must meet the other standards of Section 6.

G. All parking shall be subject to review under **conditional use** regulations, in accordance with the standards set forth below at Subsection 5.7.

After approval, a copy of the approved plan shall be filed with the **Zoning Inspector,** and no zoning permit shall be issued except in conformity with the Plan. No zoning fees shall be charged for any permit or approval required herein.

5.7 Parking and Signs in Park Zoning District:

A. These standards shall apply to all property located in the Active and Passive Park Zoning **Districts.**

B. No development of **driveways**, roads, or parking areas shall proceed except upon approval as a **conditional use** pursuant to this Section.

C. All **driveways,** roads and parking areas shall be developed so as to blend with the natural features of the landscape and minimize the visual and ecological impact upon the Park Zoning **District**. The Zoning Board of Appeals may limit the maximum parking so as to preserve and protect the natural features and **uses** for which the Park Zoning **District** is established.

D. All **signs** will be permitted without the requirement to obtain a permit when they are not visible from any public road or are informational only, limited to information about the Park Zoning **District** itself and shall be designed and placed so as to minimize the visual and ecological impact upon the Park Zoning **District**. No advertising **signs** shall be permitted.

5.8 Extraction of Oil, Natural Gas and Hydrocarbons

A. Definitions: Extraction of Oil, Natural Gas and hydrocarbons; Exploration For Such Substances; Storage Thereof; Drilling, Re-opening, Operation, Maintenance, Plugging and Plugging Back to Another Source of Oil and Gas Wells - In order to preserve health and safety, the natural groundwater, aquifers, surface waters, and other features of the Townships environmental infrastructure, and for the protection of neighboring properties from potentially deleterious effects of gas and oil well operations, the extraction of oil, natural gas, and hydrocarbons, any operations involving exploration for such substances or storage thereof, and the drilling, re-opening, operation, maintenance and plugging back of oil and gas wells shall not be permitted without compliance with the following standards and regulations set forth in this Section 5.8 and such compliance shall be necessary even though no permit is necessary to be obtained from Russell Township.

1. Gas and Oil Wells: Well means any bore hole, whether drilled or bored, for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil filled waters. Oil means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir. Gas means all natural gas and other fluid hydrocarbons not defined herein as oil, including condensate. Condensate means liquid hydrocarbons that were originally in the gaseous phase in the reservoir. Oil and gas wells shall mean all wells as defined herein for the production or extraction of oil and/or gas. Brine means all saline geological formation water resulting, obtained, or produced in connection with the exploration, drilling or production of oil and gas wells.

2. Oil and gas means oil or gas or both.

3. Producer means the owner of a well capable of or producing oil or gas or both or a person intending to produce an oil and gas well. Production shall include transmission of oil and gas within pipelines when used in the Zoning Code.

4. Owner means the person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that is produced therefrom either for themselves or for others.

5. Contractor means any third party engaged by an owner or producer to conduct drilling, producing and other operations.

6. Division means Division of Oil and Gas, Department of Natural Resources for the State of Ohio.

. Applicant means owner of record of the real property, and owner if different than record owner and producer, it being the intent that the record owner, owner and producer shall 7comply with all laws and regulations and shall be treated as jointly and severally responsible for all acts performed in the drilling, production and abandonment of oil and gas wells.

8. All well drilling, production and transmission operations and facilities for oil and gas shall comply and conform with all requirements of the Zoning Resolution, Ohio Revised Code Chapter l509, the rules of the Division, and all other Ohio Revised Code Sections and administrative regulations, or requirements of the Ohio and Federal Environmental Protection Agencies and National Pollution Discharge Elimination System Regulations and permit provisions, if applicable, and statutes and regulations promulgated thereunder, all antidegradation statutes and regulations for the State of Ohio and all other applicable Federal laws and regulations.

B. No gas and oil well shall be drilled unless the owner, producer, or contractor complies with all requirements set forth in the Zoning Resolution.

1. The minimum lot area for each gas and oil well shall be no less than the minimum set forth in Ohio Administrative Chapter 1501:9-1-04 and said minimum area shall be deemed to be a drilling unit. The applicant shall submit a legal description of the drilling unit and note the boundary lines of the drilling unit on information to be submitted under this Section 5.8 (B) (4).

2. There shall be no tanks, separators, sumps, pit areas, wells, or other apparatus or equipment erected for or maintained for the drilling, production, transmission, or storage of gas, oil, waste, natural or artificial brines, oil field waters, sewage or any liquid used in or resulting from any drilling or production of an oil or gas well within thirty (30) feet of any side or rear yard or seven hundred and fifty (750) feet of any occupied structure or dwelling or potable water well supplying water to any person or animal or to any place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public. No gas and oil well shall be drilled within seven hundred and fifty feet of any occupied structure or dwelling or potable water well supplying water to any person or animal or to any place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.

3. Any applicant for a gas and oil well whose proposed well shall be within two thousand (2,000) feet of any lake or pond, whether natural or man-made, river, stream, creek, or other body of surface water within Russell Township, shall indicate the same on their registration application form. It shall be the responsibility of the applicant to assure that any said body of water shall not be exposed to any danger or erosion, siltation, pollution, contamination, or al~~teration.~~

In addition, the Township of Russell hereby deems Silver Creek, within the limits of Russell Township, to be in an environmentally protected zone as the habitat of aquatic life listed on Recognized Endangered Species Lists. Any oil and gas well proposed to be drilled within two thousand (2,000) feet of Silver Creek shall present with their registration application form measures to be taken to avoid any danger of injury to such species or their habitat. Adequate contingency plans shall be taken to avoid contamination of Silver Creek in the event that any oil, gas, brine, waste, toxic materials or other such contamination spills during drilling, production or abandonment of any oil and gas well.

4. An applicant for a gas and oil well shall file a registration application form on Form Z-1 and submit all information set forth and required under the Russell Township Zoning Resolution. The application shall be filed with the Township Zoning Inspector and shall be filed with the Zoning Inspector at least thirty (30) days prior to the date upon which any drilling of a gas and oil well or site preparation for the drilling of the gas and oil well shall commence within Russell Township. The applicant shall file Form Z-1 executed by the record owner of the real property, and owner if different from record owner, and producer if different from owner or land owner, and provide the following information:

    a. Applicant shall file a copy of the State permit application as submitted to the Division, including all salt water and waste disposal plans and surveyors map. Applicant shall provide the Zoning Inspector with a plan for handling, storage, removal and disposal of drilling fluids and materials, salt water, frac-water, sludge and any other gas and oil field waste. Applicant shall also submit a copy of the spill prevention control and counter-measure plan when required by Federal laws or regulations. In addition, the applicant shall submit a timetable listing when site preparation is to begin, when drilling is to begin and end, and when drilling equipment is to be removed, when access roads are to be installed and completed, when permanent storage tanks are to be erected, when transmission lines are to be installed, and when production is to commence.

    b. Applicant shall submit a statement naming the landowner, owner if different from land owner, producer, all contractors, and the qualifications and experience of producers and contractors.

    c. Applicant shall submit a schematic drawing of the loading area and measures to be taken for removal of brine and oil from storage tanks in order to confine any spillage of the same. Said schematic drawing shall show an aerial view, and side view, indicating location of separator, tank, sump and loading area.

    d. Applicant shall submit a site development plan to the Zoning Inspector. Said

plan shall include the following, and applicant shall develop the property in accordance with the following requirements:

(1) North arrows.

(2) Name, address and telephone number of record owner of property, applicant and driller.

(3) A vicinity map to a convenient scale showing the following:

(a) Property lines, boundary lines of drilling unit, streets, rights-of-ways, township lines and easements adjacent to the site.
(b) Well site.
(c) Tank battery site.
(d) Proposed permanent and construction drive locations.
(e) Piping from well to tanks and from tanks to point of connection to existing supply line.
(f) Nearest dwelling or occupied building and nearest water well in every quadrant indicating the same by showing an arrow and the distance in each quadrant to the nearest dwelling, building and water well.
(g) Show water courses, tree lines, marshes, water impondments or other significant natural or manmade features within two thousand (2000) feet of the site.

(4) Enlarged details shall be provided at the well site and the tank battery site showing the following:

(a) Well appurtenances: tanks, separators, piping valves, steel pits and dikes.
(b) Fences – to be provided around both the well site and tank battery site. Fence to be a cyclone fence with a minimum of eight (8) feet height with three (3) strands of barbed wire on top. Gates to have provision for padlocking. An additional gate is to be provided at the driveway entrance, outside of right-of-way, to prevent unauthorized vehicles from entering the site. Provide for padlocking. Show detail of gate on plan.
(c) Existing contours, with a minimum interval of two (2) feet, shall be shown within one hundred (l00) feet of the outer boundaries delineating the area of the proposed well site, steel pits, storage tanks, and all other temporary or permanent fixtures associated with either drilling or production. Maintain positive drainage. Show spoil pile locations.
(d) Drainage structures, sized in accordance with criteria available

through the Geauga County Engineer.

(5) Provide details as to width and composition of proposed permanent driveway. Minimum driveway width to be ten (10) feet. Minimum requirement for driveway material to be a graded, crushed aggregate of a size, and placed to a thickness, sufficient to prevent displacement under anticipated loading. The permanent driveway shall serve both the well and tank sites. Provide details of the temporary construction drive which shall be installed to provide access and a staging area for equipment and materials. This drive shall be not less than forty (40) feet in width at the street tapering to not less than thirty (30) feet at the right-of-way and extending from the right-of-way a minimum distance of one hundred (100) feet onto private property. It shall be constructed of a graded, crushed aggregate of a size, and placed to a thickness, to prevent displacement under the anticipated loading. If required by the County Engineer, a properly sized culvert shall be installed at the street (minimum requirement is twelve inch (12") diameter, sixteen (16) gauge with annular ends). Unless the temporary drive is incorporated into the permanent drive, it shall be removed along with the culvert and the area restored to its original condition when the well site is restored. Positive drainage shall be maintained around this area at all times.

(6) Show typical cross-sections through diked areas around tanks. Specify liners and method of securing same. State volume of each diked area (minimum volume to be twice tank capacity). No direct discharge will be permitted from the containment areas. Contents must be pumped out and removed from the site along with the brine.

(7) Include restoration details. All disturbed areas to be fine graded, seeded and mulched on completion of grading operations. Between November 1 and March 1, apply mulch only. Temporary mulch to be removed and areas dressed, seeded and mulched after March 1. Weather permitting, restoration shall be completed within sixty (60) days after drilling is complete.

(8) Provide an equipment list of those items to be installed at the site by manufacturer with model number or specifications, as applicable. Provide a list of all subcontractors to be employed and the work they will perform.

(9) Provide a list of temporary equipment to be utilized during the drilling operation including complete information on the blowout preventer.

(10) Provide typical trench sections for pipe lines showing depth of line, trench width, backfill, including bedding and encasement details (where

applicable).

(11) Give details of steel pit to be provided during the drilling operation, including dimensions and weight of steel pit, capacity, and method of transport of steel pit into the Township and onto the drilling unit.

(12) Add note indicating pressure testing procedures will be performed on all lines transporting gas (minimum requirement is two times anticipated operating pressure).

(13) Within thirty (30) days after commencement of production, submit to the Township Zoning Inspector an as-built mylar reproduction of the Site Development Plan for record.

(14) Applicant shall file form Z-1 and attach to said form all information requested herein and shall also attach a description of the drilling procedures to be followed to include the intended depth of drilling, the method of extraction of oil and gas, and the method for abandonment of said well. Also attached to form Z-1 shall be a list of all names and addresses of all persons, firms or other entities engaged in the process of site preparation, drilling, production, removal of brine or oil, transmission of gas, or any other activity necessary for the drilling and production of gas and oil on the well under consideration and for which a registration application form is to be filed. The applicant shall submit a geology report, prepared by and bearing the signature of a qualified geologist which shall include information as to the geological formation to be tapped, total depth of the proposed well, resistivity analysis to locate water aquifers that may be encountered and an analysis to determine the degree, if any, of the subsidence that may result from exploration and/or future extraction of gas and oil and other hydrocarbons.

5. Whenever any well is proposed and the well site is located within two thousand (2,000) feet of Silver Creek, the applicant shall submit with form Z-1 a recommended course of procedure to control spills and reduce the risk of contamination or injury to Silver Creek and its inhabitants.

6. The applicant shall submit to the Zoning Inspector with satisfactory proof that applicant has the ability to remove all brine, drilling materials, sludge, and other materials required to be removed and which shall not be disposed of anywhere in the Township of Russell. Applicant shall submit evidence to the Zoning Inspector that the applicant has available a brine injection well with sufficient capacity to accept all materials to be removed from Russell Township and that said injection well or wells have been inspected and approved by the State of Ohio.

7. After submission of Form Z-1 and after providing all information required by Form Z-1 and the Township Zoning Resolution, and in the event that the application is in compliance with all applicable Federal, State, County and Township laws, regulations, resolutions and rules, the applicant may commence site preparation for and drilling of a gas and oil well within the Township. The applicant shall at all reasonable hours and at any time during the site preparation and drilling stages allow the Township Zoning Inspector to enter onto the applicants premises where said gas and oil well will be drilled to ensure that all applicable laws, regulations, resolutions and rules are being complied with by applicant. In the event that the Township Zoning Inspector determines that the applicant is violating any of the terms of the Zoning Resolution, and upon the applicant receiving either oral or written notice of the same, the applicant shall immediately cease all activities in furtherance of the development of the well site until in compliance with the Zoning Resolution.

8. The applicant shall provide ingress and egress roads to all well sites and all storage tank sites. Roads to the well site shall be constructed, in accordance with plans submitted to the Township Zoning Inspector, prior to drilling, and roads to storage tank sites shall be installed prior to installation of said tanks. All access roads shall be maintained so as to be dust-free and passable in all seasons and weather conditions. Access roads shall be adequately fenced with a locked gate to prevent unauthorized entry from public roads. Not more than two (2) access points shall be established from any public road to any well site. Access roads shall have a turnaround of sufficient size to accommodate fire and rescue and other emergency vehicles servicing the Township.

9. The applicant shall fill and level all areas excavated for steel pits within seven (7) days after the applicant is ready to commence production and restore the land to its original condition. The applicant shall remove all drilling fluids, materials and sludge from the steel pit prior to removing the steel pit from the site and haul the drilling fluids, materials or sludge outside of Russell Township for disposal. The applicant shall notify the Township Zoning Inspector at initiation and upon completion of restoration.

10. The name, address and telephone number of each person signed on the application, along with each operator and contractor responsible for ownership, operation, and all maintenance of each well site located within the Township shall be conspicuously placed on each tank battery and be furnished to the Zoning Inspector and Chief of Police for Russell Township. The Police Chief shall prepare a list of all such names and addresses and telephone numbers and shall keep the list posted in a conspicuous place in the Police Department and in the Zoning Department office for ready reference. The applicant, along with furnishing the name, address and telephone numbers indicated herein, shall also provide the location of each well

site, separation and storage tanks, and the location and color identity of power and shutoff valves. Keys for emergency access to each well and tank site shall be made available to the Police Department. Well and tank sites under the same ownership or control shall have gates and fences with master keys capable of opening all locks on gates and fences and equipment. Such keys shall be provided to the Gas and Oil Well Inspector, or if there be none, the Township Zoning Inspector and also to the Chief of Police for the Township.

Before commencing drilling operations and during production of the well, a sign of two (2) square feet, and orange in color, shall be posted at the access road entrance gate showing the street number, owner, operator, lessee, if any, well number, State permit number, and all emergency telephone numbers. All storage tanks shall be above ground, and shall be lined with a coal-tar based material held with an epoxy to eliminate leakage. Each applicant company shall paint all its storage tanks with a single distinctive color. All shutoff valves shall be painted in fluorescent orange. All power, storage and transmission line shutoff valves shall be painted in fluorescent orange. All power, storage and transmission line shutoff valves shall be secured by locks or similar devices to prevent unauthorized access or usage. Prior to commencing production, all permanent producing and storage facilities shall be enclosed entirely by a cyclone fence to be a minimum of eight (8) feet high with three (3) strands of barbed wire on the top and adequate to prevent trespassing at all times. A temporary fence shall be constructed prior to commencement of drilling to prevent unauthorized access to drilling equipment and any excavations.

11. During drilling of wells, casings shall be cemented to a minimum depth of five hundred (500) feet below the surface. The applicant shall insure that the cement provided shall be sufficiently adequate to case five hundred (500) feet of annular volume and shall fill the annular space entirely for a minimum depth of five hundred (500) feet. A record of the depth of the cemented casings shall be filed with the Zoning Inspector for the Township.

12. The applicant shall provide the Zoning Inspector with a plat of all buried transmission lines. No person shall place any transmission lines within Russell Township without first obtaining a written easement therefore and recording the same with the Geauga County Recorder. Prior to opening any public street to bury transmission lines, the applicant shall comply with all County regulations and obtain any permits necessary by the County or the State. All buried transmission lines crossing any public street shall be marked by a permanent marker on both sides of the street, in a location and format acceptable to the Township Road Superintendent. At street crossings the line shall be installed to a minimum depth of six (6) feet and to a minimum depth of thirty-six (36) inches beneath ditches. All pipes being installed other than at street crossings shall be buried a minimum of twenty-four (24) inches under the surface or twenty-four (24) inches below a normal river or creek bed. All pipelines used to transport leasehold gas (used for

the purpose of transporting gas from the leasehold facilities to points or places where said gas may be utilized on such premises), all pipe shall be buried a minimum of twenty-four (24) inches under the surface, all connections to structures on the leasehold premises shall be in accordance with either the Regional Dwelling House Code or the Ohio Basic Building Code, whichever is applicable, and a plat indicating the location and depth of the pipe shall be given to the owner of such structure and a copy to the Zoning Inspector within thirty (30) days after connecting said pipeline to such structure. No transmission lines intended for burial across public streets shall be covered until the installed line is inspected by the Township Road Superintendent. When required by the Township Road Superintendent, the applicant shall increase or decrease the depth of transmission lines. The applicant shall coordinate the laying of transmission lines with all public utilities servicing the Township.

13. During drilling and production of oil and gas wells, the applicant shall comply with the following regulations:

    a. During the drilling phase, all flowback and waste shall be accumulated in containers and no hydrocarbons, waste, water or other such elements shall be permitted to enter the atmosphere at the well site. Upon fracturing of any well, the applicant shall contain flowback entirely within an adequately vented enclosed system.

    b. All storage tanks for storage of oil, water, salt brine and other such elements shall be lined with a coal-tar based material held with an epoxy on the inside of the tank to avoid leakage and be equipped with a thief-hatch cover which shall be kept locked at all times when not being used by agents or employees of or the applicant and shall be located in such a manner as to enable visual inspection of the tank when open. Any brine storage tank manhole shall have a device securely attached across the opening of the manhole to eliminate access by any person into the storage tank. The oil storage tank shall be equipped with a vent pipe with a safety check valve installed in the vent pipe on top of the storage tank.

    c. In the event that any drilling or production of a gas and oil well causes any sour gas, or gas or oil odor deemed to be detrimental to inhabited structures and residents of the Township, as determined by the Township Zoning Inspector, the applicant shall take all necessary steps to eliminate escape of any sour gas and where ordered by the Township Zoning Inspector, shall provide a filter retrofitted on all storage tanks and shall insure during production of any well that said filters are either cleaned or replaced in order to adequately suppress odor.

    d. The flow line from the well to the separator device shall have a pressure

activated shutoff valve system to cut off the flow just prior to the opening of the safety valve on the separator.

e. In the event that the well system utilizes a pump jack, the pump jack shall also have an automatic shutdown system, to stop fluid spill if rod packing leaks. At least once each year, commencing at initial production of a well, the applicant shall test all safety valves used in the production of oil and gas to determine that they are properly functioning and shall report the same to the Zoning Inspector.

f. All motor powered equipment intended for permanent use in production of wells or transmission of fluid or gas shall be operated only on electrical power. This regulation shall not apply to motors used in drilling operations or mobile service rigs at the site. Any diesel engines being utilized during the drilling stage shall have adequate mufflers to suppress sound and each drilling rig shall be provided with fire resistant soundproofing material. All storage tanks, separators, and distribution pipes shall be surrounded by a minimum of one-inch (1") clay seal on the surface of the ground and shall be contained by a retainer wall with a minimum one-inch (1") clay seal capable of holding two (2) times the capacity of all storage tanks. The applicant shall provide a loading area to the storage tanks with provisions for a ramp so that if any spillage occurs while removing any materials from storage tanks, that any spill will go into a sump which can be pumped into a brine removal vehicle. The sump area shall be constructed by excavating a hole that shall be lined with clay and sufficient in size to contain a fifty-five (55) gallon metal drum that shall be placed in the hole and said drum shall be weighed down with rocks, metal, or other materials in order to keep said drum submerged. Whenever the brine removal vehicle is at the loading area, all fluids in said sump shall be pumped into the brine removal vehicle. Applicant shall not permit the fluids in the sump to overflow at any time. Such areas shall be developed in accordance with Diagram AA≅ which is attached hereto and made a part hereof and the area of the pit shall be equal to or greater than two (2) times the capacity of all storage tanks at the site.

g. The maximum sound level of all operations for the exploration, drilling or extraction of oil, natural gas and other hydrocarbons shall be sixty-five (65) decibels at a distance of three hundred fifty (350) feet, to be exceeded no more than ten percent (l0%) of the time during drilling and exploration only. In the event that the Zoning Inspector determines that the decibel limit has been violated, such official shall order the applicant to cease production until adequate measures are taken to reduce the decibel level equal to or less than sixty-five (65) decibels at a distance of three hundred fifty (350) feet.

h. Prior to drilling, the applicant shall transport steel pits to the site sufficient

in size to contain all liquids produced as a result of anticipated drilling procedures. The steel pit shall have a capacity not to exceed ten thousand (l0,000) gallons. Each pit shall be constructed of steel and regardless of whether or not said steel pits are buried in the ground or entirely on the surface, there shall be a minimum one-inch (1") clay seal underneath said steel pit.

During drilling, the drilling fluids, and other materials in said steel pits shall not be permitted to exceed a level of eighteen (18) inches from the top of said steel pit and shall be removed from the steel pit prior to being placed back into use. Further said steel pits shall not become filled to a capacity that will cause a substantial probability of overflowing. No earthen pits shall be permitted for containment of drilling fluids or materials.

i. The use of any gas or oil well for any purpose including injection into the ground of any liquid or solid material or waste shall be permitted only if otherwise allowed by law and in conformance with all regulations contained in Section 5.8 of this Resolution.

j. During drilling of a well, the applicant shall install a blowout preventer with a remote manual preventer control, to shut down the system. All rotary rigs used in the drilling process must be equipped with a blowout preventer in good working condition of sufficient size and working pressure rating to control normal hydrostatic pressure for the deepest pool to be penetrated. Such blowout preventer must be installed on the surface casing prior to drilling below the surface casing. The applicant shall also install a gas detector meter to the drilling apparatus to determine if a gas pocket has been hit during drilling. The applicant or his agents shall be on site during all phases of drilling and the applicant shall insure that adequate and knowledgeable and experienced drillers shall be on site during all phases of drilling.

k. The applicant, during production of a well, shall make daily fluid level checks of all oil, gas, brine, waste and other elements removed from any well and shall also check on a daily basis the condition of all equipment, and to ensure that all equipment required to be secured or locked is so secured or locked and any joint or connection under pressure and above ground which carries fluids or gases under pressure shall be inspected weekly to ensure no leakage and shall provide a monthly report to the Zoning Inspector of fluid levels indicated herein, the condition of all equipment, the pressure level of all equipment, leaks, if any, and advise the Zoning Inspector of efforts taken to avoid build-up of paraffin on any equipment or apparatus contained at a well site. The Zoning Inspector shall prepare an inspection form to be filled out monthly by the applicant and

filed by the 5th of each month.

l. In the event that any well site is within one thousand (l,000) feet of any existing pond, stream or lake, the applicant shall construct diversionary ditches and devise and construct an impounding system to contain any liquids that might otherwise escape from the well site.

m. After conclusion of the drilling stage, and upon the date when notice is required to be given to the Township of the commencement of production, the applicant shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at the well site.

n. All disturbed areas are to be fine-graded, seeded, and mulched upon completion of drilling operations. Between November 1 and March 1, fine mulch only. Temporary mulch is to be removed in areas dressed, seeded and mulched after March 1. Weather permitting, all grading required herein shall be completed within fourteen (14) days after completion of drilling and all landscaping required herein shall be completed within sixty (60) days after completion of drilling. In no event shall grading and landscaping required in this paragraph be completed in excess of one hundred fifty (l50) days after completion of drilling.

o. All storage tanks, apparatus and other equipment located above ground at a well site shall be removed and abandonment completed within one hundred eighty (l80) days after a well stops producing and the ground shall be restored, to the extent possible, to its original condition prior to drilling of said well, within said one hundred eighty (l80) day period.

p. The Township may, at any time, test the nearest water well, spring, and downstream surface water at locations selected by the Township to insure that no groundwater or surface water is being contaminated as a result of any oil and gas well operation. In the event that said testing determines that such contamination has occurred, the Zoning Inspector shall order the applicant to cease production until the source of contamination is located and the applicant is able to eliminate the source of contamination to the satisfaction of the Zoning Inspector.

q. In the event an applicant at any time determines to cap a producing well, the applicant shall notify the Zoning Inspector. The applicant shall advise the Zoning Inspector of the length of time said well shall be capped and shall further notify the Zoning Inspector when the well will again be made productive.

r. The applicant shall not permit any hydrocarbons or brines to enter the Sharon

or Berea Sandstone formations during drilling or production of any oil and gas well. In the event that such contamination of either sandstone shall occur, the applicant shall immediately notify the Zoning Inspector.

s. During the drilling stage, no other improvement or additional use shall be placed on the drilling unit. Following initiation of production, such additional improvements and uses as may conform to the Zoning Resolution may be initiated on the drilling unit subject to the restrictions of all other applicable laws and regulations of the Township, County and State of Ohio. Unless other regulations require a greater distance, no new structure shall be located within seven hundred fifty (750) feet of any well site area within the drilling unit or any land outside of the drilling unit contiguous thereto and owned by applicant. No new subdivisions shall be developed to place a well site area in any common area nor be developed in such a manner that any well site would cause unreasonable sights, smells, odors, sounds, attractions to minors, or other detriments to the health and safety of the residents and natural resources contained within the Township. No structures or common areas are permitted to be developed in an area that may be unreasonably exposed to dangers associated with production, transmission or abandonment of oil and gas wells. The well site area shall be defined to include the oil and gas well, any storage or separation tanks, compressor station, or pit or containment areas for the storage of brine and other wastes.

t. Applicant shall be prohibited from accumulating combustible materials in the well site area and upon order of the Township Zoning Inspector or Fire Inspector, shall remove any combustible materials that in the opinion of such Township official may be hazardous. Permanent no smoking signs shall be posted at the entrance gate, on the oil storage tanks and temporary signs shall be posted at the drilling site until production commences. No person shall smoke any cigarette, cigar, pipe or other form of tobacco or have any matches, open flames, or burn any other combustible material at the well site during drilling or when handling or removing gas at the well site. The applicant shall insure that when any welding occurs on the premises that suitable welding screens are utilized to protect any person from injury.

u. All artificial lighting used during drilling or production of any gas and oil well shall be designed, constructed and located in such manner to prevent emission upon any property not within the drilling unit.

v. The applicant and any contractor shall be prohibited from increasing the porosity and permeability of the subsurface by the use of explosives.

w. No person shall refine or otherwise process for extraction the products of a

gas and oil well except when necessary to make gas acceptable to flow through gas transmission lines and in the event that the latter becomes necessary, the applicant shall notify the Zoning Inspector prior to commencement of such processing or production. Any burner unit installed in an oil storage tank shall be properly vented and attended to ensure no excess heating within the tank while in use.

x. If, during drilling, the site will be unattended at any time, and during the completion phase of drilling, when the well site area is unattended, the applicant shall cap the assembled sections of the well to avoid any hazard or leakage of hydrocarbons or wastes or other elements.

y. All pipe and related fittings must be equal to or better than the American Petroleum Institute Code 5-L, Grade B, and consist of prime material with standard coating. Upon completion of construction of all tanks and other apparatus to remain on the well site and laying of pipelines, the applicant shall return all disturbed public or private roads, driveways, walks, or approaches to their original condition before disturbance to the satisfaction of the Township Road Superintendent. Applicant shall backfill to existing grade level in such a manner so as to prevent erosion or siltation and shall complete all of the same within fourteen (l4) days after completion of installation of storage tanks and other apparatus and pipelines.

z. A hydrostatic test of all pipelines from the well to the separator and from the separator to transmission lines shall be performed by the applicant prior to placing said line of any section thereof into operation. A hydrostatic test shall consist of a pressure not less than two (2) times the expected maximum operating pressure and shall be recorded over a minimum period of forty-eight (48) hours. In the event that any drop of pressure is noted within said forty-eight (48)-hour period, the line shall not be made operational until the line is capable of performing as set forth in this paragraph.

aa. All gas produced from wells shall be transported from the drill site by means of underground pipeline connected directly with the producing well to the separator or treating facilities by a completely closed system without venting high pressure gas or the products of gas to the atmosphere at the production site. All oil produced from the wells on the well site may be transported from storage tanks by means of underground pipelines or by tank trucks whose holding capacity shall not exceed one hundred (100) barrels. Oil storage tanks shall be no larger than that sufficient to contain and store two hundred ten (210) barrels of oil (each barrel capable of holding forty-two (42) U.S. gallons).

bb. All waste substances such as drilling muds, brine or acids produced or used

in connection with drilling operations or production shall be retained in water-tight receptors from which they shall be hauled from the premises for disposal outside of Russell Township within ten (10) days after the completion of drilling and no production shall commence until such removal has occurred.

cc. Truck routes in and out of the well site shall be approved by the Township Road Superintendent. The Superintendent shall require that truck routes through Township roads be limited to roads that can accept the load limits and shall consider routes that will minimize wear on public streets within the Township and which would prevent hazards and damage to other properties in the Township.

dd. The applicant shall be responsible for maintaining the public roads in a debris-free condition at all times and it shall be the responsibility of the Applicant to cause the public roads to be free of all debris, mud and other materials that accumulate as a result of drilling, production, transmission, hauling or abandonment proceedings.

ee. The applicant shall provide one off-street parking space for each employee engaged in the drilling process and shall provide at least two (2) permanent off-street parking spaces at the site where production equipment will be located. All trucks, machinery, drilling rigs and other equipment temporarily stored at the site shall be kept within a temporary fenced-in area around the well site when not in use. All extracted materials during drilling, and stored at the site, shall be kept within such fenced-in area.

14. Applicant shall at all times maintain, repair, repaint and replace any storage tank on the drilling unit and shall adequately maintain, repair and replace all fences required under the Zoning Resolution. In the event that the applicant fails to maintain, repair or replace any fence, tank, dike, or any other structure or apparatus contained on the drilling unit for the purpose of oil and gas well drilling, production or transmission, the same shall be a violation of this Zoning Resolution and the Zoning Inspector may order the applicant to shut down and cap any producing well or seek any remedies otherwise provided in this Zoning Resolution.

15. In the event an oversized or overweight vehicle is used or is to enter the Township and exceeds the classifications set for load limits on streets and roads within the Township, the applicant and vehicle owner, if different than applicant, shall obtain a special permit for overweight vehicles and enter into an agreement to pay for road repairs in accordance with the terms and conditions set forth in the special permit and agreement as more fully set forth in Exhibit P-1 and RN-1 attached hereto and made a part hereof as if fully rewritten herein, unless the Board of Trustees deems it necessary to provide additional regulations.

16. In the event that the Zoning Inspector determines that site preparation, drilling operations, or fracturing operations become hazardous, or may cause damage to surrounding properties due to either adverse weather conditions, geologic conditions, or other conditions which become known to said officials, and said drilling or fracturing will adversely affect the health and safety of the residents of Russell Township, the applicant shall cease drilling or fracturing operations upon oral or written notice from such officials and shall not commence further operations until said hazard or adverse affect on health and safety can be eliminated.

17. All portions of the Zoning Resolution of Russell Township inconsistent with the provisions of this Section are hereby deemed to be superseded by this Section; all other portions of said Zoning Resolution not affected herein shall remain in full force and effect. In the event that a Court determines that this Section or any portion thereof is unconstitutional, illegal, invalid, void, or otherwise unenforceable, it is the intent of the Trustees of Russell Township that there be valid regulations to enforce health and safety standards within the Township for the drilling and exploration and production of oil and gas, and therefore, any Zoning Resolution amended and superseded by this Section shall be reactivated in the event that a Court holds that there would otherwise be no valid zoning regulations governing gas and oil well operations and extractions of other hydrocarbons. (Amended March 27, 1985 X Amendment No. 31)

    See Appendix for copies of Registration Application Form for Gas and Oil Drilling in Russell Township (Z-1) (2 pages), Special Permit for Overweight Vehicles and Agreement to pay for Road Repairs (P-1) (4 pages).

5.9 WTTO - Wireless Telecommunication Tower Overlay Zoning District.

(Amendment 97-1, April 19, 1997)

The Wireless Telecommunication Tower Overlay Zoning **District** is established to provide for the construction and use of wireless telecommunication towers and facilities as permitted **uses, conditional uses**, and **accessory uses** depending upon the specific land areas of the **Township** in which they are proposed to be located. The purpose of this Overlay Zoning **District** is to balance the competing interests created by the federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the **Township** in regulating wireless communication towers and related facilities for the following purposes: to regulate a commercial **use** so as to provide for orderly and safe development within the **Township;** to protect adjacent properties from potential damage from telecommunication tower failure through proper engineering and careful siting of such structures; to protect property values; to maintain the aesthetic appearance of the **Township,** including its rural character; to provide for and protect the health, safety, morals and general welfare of the residents of the **Township;** to protect residential properties, parks, **open spaces** and the nonintensive commercial zoning **districts** which are characteristic of the **Township** from the adverse effects of towers and related facilities; to promote **collocation** of **wireless telecommunication** facilities in order to decrease the number of towers in the **Township;** and to maintain, where possible, the integrity of the existing zoning regulations contained in the Zoning Resolution.

The Wireless Telecommunication Tower Overlay Zoning **District** regulations shall control and supersede wherever they are inconsistent with other provisions of the Zoning Resolution. If no inconsistency exists between the provisions of this Overlay Zoning **District** and the provisions of the underlying zoning **district,** the underlying zoning **district** regulations and other provisions of this Zoning Resolution shall remain in full force and effect and shall regulate all land **use** and development.

The Wireless Telecommunication Tower Overlay Zoning **District** establishes a hierarchy of acceptable land areas for location of wireless telecommunication towers and related facilities through the establishment of such **use** as a **permitted use** in certain land areas, as a **conditional use** in other, more sensitive land areas, or as an **accessory use** for erection of antennas only, which determination is dependent upon the location and characteristics of such land areas and the impact such towers will have on adjoining properties.

Except as provided in this Section 5.9, **wireless telecommunication facilities** are prohibited in the **Township.**

A. **Permitted Use:**

A wireless telecommunication tower and facility may be located in the following areas, as set forth on the **Township Zoning Map,** under the following circumstances and upon an application for a **zoning certificate** and issuance of such certificate from the **Zoning Inspector:**

1. A wireless telecommunication tower facility may be permitted on any property owned or controlled by the Board of **Township Trustees,** and being used for public purposes, under such conditions, standards and regulations as deemed appropriate by formal approval of the Board of **Township Trustees**. In the event such property is located in a residentially zoned **district,** prior to the approval by the Board of **Trustees** of any construction of a wireless telecommunication tower facility on such property, advance notice by certified mail of a public meeting by the **Trustees** on the issue shall be given to each owner of property, as shown on the **County** Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed. (Amended March 8, 2002 - Amendment 2001-2)

2. A wireless telecommunication tower and/or antenna facility may be located within an electric high tension powerline **easement** as set forth on the **Zoning Map.** A tower facility located within such an **easement** shall not be subject to the standards set forth in Subsection D. 5, 6, 7 and 9.

3. A wireless telecommunication tower facility may be located within the 100 foot area adjacent to the boundary line of the electric high tension power line **easement** as set forth on the **Zoning Map**. A tower located within this 100 foot area shall not be subject to the standard set forth in Subsection D.7.

B. **Conditional Use:**

1. A wireless telecommunication tower facility may be permitted in a CS-Commercial Services Zoning District or OB-Office Building Zoning District as a conditional **use** only in the areas set forth on the **Zoning Map** and upon the approval of the Board of Zoning Appeals, provided the **applicant** demonstrates compliance with the following standards, as well as the standards set forth in Subsection D herein:

    a. There is no technically suitable space for the **applicant's** antenna(s) and related facilities reasonably available on an existing tower or structure within the geographic area to be served, including the areas set forth in Subsection A. With the **zoning certificate** application, the **applicant** shall list the location of every tower**, building** or structure and all of the areas set forth in Subsection A 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 an existing tower, **building** or structure or a technically suitable location is not available in any area set forth in Subsection A. If another tower, **building** or structure, or an area set forth in Subsection A is technically suitable, the **applicant** must show that it has requested to collocate on the existing tower and the **collocation** request was rejected by the owner of the tower, **building** or structure or that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) set forth in Subsection A under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to requests for **collocation,** but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for **collocation.** If another telecommunication 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 reasonably reciprocal terms and the offer was not accepted. In all cases, the **Township** shall use its best efforts to encourage **collocation;**

b. As a condition of issuing a conditional **zoning certificate** to construct and operate a tower in the Township, the owner/operator of the telecommunications tower is required to allow **collocation** until said tower has reached full antenna capacity, but in no event fewer than two (2) additional antenna platforms for two (2) additional providers unrelated to the owner/operator. 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 Z**oning Inspector** evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this Subsection as well as all other applicable requirements, regulations and standards set forth in Section 5.9; and

c. The color of the tower shall be as required by the Board of Zoning Appeals.

2. A **wireless telecommunication tower facility** may be located on publicly-owned and used property, other than property owned or controlled by the Board of **Township Trustees,** in either a residential zoning **district,** Passive Park Zoning **District** or Active Park Zoning **District** as a **conditional use** only in the areas set forth on the **Zoning Map** and upon approval of the Board of Zoning Appeals, provided the **applicant** demonstrates compliance with the following standards:

a. All of the standards set forth in Subsection 5.9 B.1.a and b;

b. There is no technically suitable location reasonably available for a tower facility in any area set forth in Subsection B.1. If another location as set forth in Subsection B.1 is technically suitable, the **applicant** must show that it requested a property owner(s) to permit it to locate a tower facility in an area(s) set forth in Subsection B.1 under reasonable terms and the request was rejected; and

c. The color of the tower shall be as required by the Board of Zoning Appeals. (Amended March 8, 2002 - Amendment 2001-2)

C. **Accessory Use:**

The erection or construction of a wireless telecommunication antenna(s) on an existing tower in any zoning **district** shall be a permitted **accessory use** as a **collocation** on such a wireless telecommunication tower and shall be approved upon submission of an application for a **zoning certificate** to the **Zoning Inspector** which meets all applicable regulations in Subsection D hereof related to the placement of the wireless communication equipment and related facilities associated with such antenna(s).

D. Standards Applicable to all **Wireless Telecommunications Tower Facilities:**

Except as otherwise provided in this Section, all wireless telecommunication tower facilities shall comply with the following standards:

1. Design.

All towers shall be of a monopole design, as opposed to a lattice design. Towers and antennas shall be designed to meet all Geauga County **Building** Department requirements.

2. Maximum height of tower and related facilities.

A wireless telecommunication tower shall be less than 200 feet in height as measured from the average ground level at the base of the tower. The intent of this height restriction is to avoid the necessity for lighting of the tower. No equipment **building** for wireless tower facility shall exceed twelve feet in height from **building** grade.

3. Unless otherwise required by the Board of Zoning Appeals, the color of the tower shall be a neutral color.

4. Additional **permitted use.**

A **wireless telecommunication tower facility** may be located on a lot with another **use.**

5. Minimum lot area.

The minimum lot area shall be the same as that required for the underlying zoning **district** and the lot area shall be sufficient to provide for all requirements of setbacks, **yards** and building coverage as specified in the underlying zoning **district.**

6. Location of tower on the lot.

Unless otherwise provided in this Section, a **wireless telecommunication facility** must comply with the setback and **yard** requirements applicable to buildings in the underlying zone in which it is located. When such facility is located on property adjoining the electric high tension power line **easement,** this setback requirement shall not apply to the boundary line of the electric high tension power line utility **easement** as set forth on the **Zoning Map.** Such tower must be placed upon the lot in such a way as to minimize the visual impact on adjoining roads and properties.

7. Spacing.

Except on **Township**-owned property or as otherwise provided for in this Section, there shall be a separation of at least one-half mile between wireless communication towers.

8. Fencing.

Fencing shall be provided for public safety reasons. A **fence** at least six feet in height, but no greater than eight feet in height, shall be erected completely around those portions of the **wireless telecommunication facility** that come in contact with the ground. "No Trespassing" **signs** shall be posted around the wireless telecommunication facility with a telephone number of a person to contact in the event of an emergency.

9. **Buffer** zone.

A landscaped **buffer** area of not less than fifteen feet in depth shall be placed between the **wireless communication facilities** and the public **rights-of-way** and any adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The fifteen foot landscape **buffer** shall consist of a tight screen **fence** of hardy evergreen shrubbery not less than six feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.

10. Outdoor storage.

Overnight outdoor storage of any supplies, **vehicles** or equipment related to the **use** of the facility is prohibited except during the facility construction period and to supply emergency power to the facility only during a power outage.

11. Lighting.

Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or **signs** shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration ("FAA") regulations, white strobe lights shall not be permitted at night unless no other alternative is permitted by the FAA. Lighting for security purposes shall be permitted at the **wireless telecommunication facility** with a prior approval of the Board of Zoning Appeals pursuant to a conditional **zoning certificate** issued pursuant to Section 6 of the Zoning Resolution.

12. Notification of fire department.

The owner or operator of a wireless telecommunication tower shall notify the **Township** Fire Department by certified mail of the location and height of the proposed tower as a condition of issuance of a **zoning certificate**.

13. FCC compliance.

Prior to receiving final inspection by the **Zoning Inspector,** documented certification shall be submitted to the **Zoning Inspector**, certifying that the **wireless communication facility** complies with all current Federal Communications Commission ("FCC") regulations for non-ionizing electromagnetic radiation (NIER).

14. Advertising.

No advertising shall be permitted on the **wireless telecommunication facility.**

15. Time limit for commencement and completion of construction.

After issuance of a **zoning certificate** to construct a **wireless communication facility,** the applicant shall commence construction within 180 days and shall complete construction within one year or the **zoning certificate** shall expire. As a condition of issuance of the certificate, the **Zoning Inspector** shall require the applicant and the owner of the property to certify that if construction is not commenced within the 180 days or completed within one year, that the **site** will be available for another **wireless telecommunications facility.**

16. Maintenance Plan.

Prior to the final inspection by the Zoning Inspector and initial commencement of the **use,** the owner/operator of a wireless telecommunication facility shall submit to the Zoning Inspector a maintenance plan for the facility that meets commonly used industry standards.

17. Removal of Facilities.

a. The owner or operator shall agree to remove a nonfunctioning facility within six (6) months of ceasing its use. The owner/operator of the antenna and/or tower shall, on no less than an annual basis from the date of issuance of the **zoning certificate,** file a declaration with the **Zoning Inspector** as to the continuing operation of every facility which is subject to this Section 5.9. The owner/operator of the antenna and/or tower shall **sign** a written consent agreeing to permit periodic inspections of the **wireless telecommunication facility** by the **Zoning Inspector** or his designee.

E. **Zoning Certificate** Fees.

1. The fees for applications for **zoning certificates** as required by this Section shall be as specified by the Board of **Township Trustees**.

2. Reimbursement of Expenses. The applicant for a wireless communication tower and/or antenna facility shall be responsible for all expenses incurred by the **Township** for 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 which are not covered by the application fees established by the Board of **Township Trustees.**

F. **Public Utility** Exemption.

1. In the event a **wireless telecommunications tower facility** is to be owned or principally used by a **public utility** engaged in the provision of telecommunications services, the regulations of this **District** do not apply when the proposed location of the tower facility is in an area of the **Township** which is not residentially zoned. The proponent of such 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 telecommunications 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 purposes of this exemption:

a. 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;

b. Whether the applicant provides its good or service to the public indiscriminately and reasonably;

c. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;

d. Whether the applicant conducts its operations in such a manner as to be a matter of public concern;

e. Whether there is a lack of competition in the local marketplace for the good or service;

f. Whether there is regulation by a governmental authority and the extent of that regulation;

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

(Amended March 8, 2002 - Amendment 2001-2)

2. 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.

3. If the **Zoning Inspector** determines to deny the applicant such "**public utility"** status, the Inspector shall do so in writing and state the reasons therefor. Such decision of denial by the **Zoning Inspector** shall not be a final decision by the **Township** on this 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 the Zoning Resolution. The decision of the Board of Zoning Appeals shall be the final decision of the **Township** on this issue.

4. Regardless of whether the **public utility** exemption of Subsection F.1 applies to an application for a **wireless telecommunication tower facility,** any person who plans to construct a telecommunications tower within one hundred 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 true 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 Subsection 4, "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. (Amended March 8, 2002 - Amendment 2001-2)

5. In the event a **wireless telecommunications tower 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 a, b and c below, as follows:

   a. All of the requirements of Subsection F.1 through 4 are met;

   b. The **public utility** provides both of the following by certified mail:

      i. Written notice to each owner of property, as shown on the **County** Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:

         - The **public utility's** intent to construct the tower;
         - A description of the property sufficient to identify the proposed location; and
         - 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.

      ii. Written notice to the Board of **Township Trustees** of the information specified in Subsection 5.b.i of this Section. The notice to the Board of **Trustees** also shall include verification that the person has complied with Subsection 5.b.i of this Section; and

   c. If the Board of **Township Trustees** receives notice from a property owner under Subsection 5.b.i 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 5.b.ii of this Section, the Board of **Trustees** 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 5.b.i of this Section within the time prescribed by that Subsection or no Trustee has an objection as provided under this Subsection 5.c. within the time prescribed by this Subsection, the applicant will be exempt from the regulations of this Zoning Resolution. (Amended August 17, 2012 – Amendment No. 2012-5)

G. Definitions. (Amended March 8, 2002 - Amendment 2001-2)

1. "**Collocation**" means the use of a **Wireless Telecommunication Facility** by more than one wireless telecommunication provider.

2. "Lattice tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the **foundation.**

3. "Monopole" means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a **foundation.**

4. "Personal Wireless Services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. §332 (c)(7).

5. "Substantial evidence" means more than a mere scintillas of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

6. "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 developed areas of the **Township.**

7. "Telecommunication(s)" means the technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the terms "Personal Wireless Services."

8. "Wireless Telecommunication Antenna," "Antenna" or "Antenna Array" means the physical device or an array of elements constituting a physical device through which an electromagnetic, wireless telecommunication signal authorized by the FCC is transmitted or received. Antennas used by **amateur radio** operators are excluded from this definition.

9. "Wireless Telecommunication Equipment **Building**" or "Equipment **Building**" means the structure or cabinet in which the electronic receiving and relay equipment for a Wireless Telecommunication Facility is housed.

10. "**Wireless Telecommunication Facility"** or "Facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of Personal Wireless Services.

11. "Wireless Telecommunication Tower" or "Tower" means any structure, other than a **building**, that elevates the Wireless Telecommunication Antenna and may include accessory transmission and receiving equipment.

5.10 L-B Limited Business Zoning District

(Amendment No. 2006-1 - February 10, 2007)

The L-B Limited Business **Zoning District** is established to permit specified non-retail and low impact business uses and other carefully mitigated uses in a manner compatible with abutting zones according to the following regulations:

A. Permitted Uses

.. Professional **offices,** including medical, dental, and administrative **offices**
.. Studios and facilities for instruction of dance, sculpture, photography, and painting
.. Shops and studios for the creation and preparation of paintings, sculptures, crafts, and photography
.. The **offices** and shops of contractors including builders and related trades, landscapers, **building** and landscape maintenance and repair
.. The **offices** and shops of service providers include interior decorators, landscape designers, home and **office** cleaning, and pest control
.. Shops for installation, servicing, and repair of small household and business equipment including electronics, computers and appliances, but not including **vehicles**, trailers, and other large equipment
.. **Public uses,** lands and facilities
.. Agricultural and **Public Utility Uses** according to the provisions of Section 4.10

B. Permitted **Accessory Uses**

.. Off-street parking areas
.. Private **garages** designed and used for the storage of commercial **vehicles** or equipment owned and/or operated by the occupant(s) of the principal **building** or structure
.. Storage **buildings** used for keeping tools, equipment, supplies, materials, and other personal property
.. **Signs** in accordance with Section 4.11
.. Radio, television or satellite dish antennas not exceeding fifteen (15) feet in height if mounted in the ground or twelve (12) feet above the roof line if attached to a **building**. A free-standing antenna shall not be constructed in any front or side **yard,** but shall be constructed to the rear of the principal structure. Roof-mounted antennas are prohibited unless construction of a free-standing antenna in the **rear yard** materially limits transmission or reception. Roof-mounted antennas shall be mounted only upon the portion of the roof of the principal **building** that faces the rear yard or on an accessory structure in the **rear yard.** An antenna shall be placed to reasonably conceal the antenna from views from neighboring properties and public rights-of-way.
.. Other customary **accessory uses** and structures which are clearly incidental to

the principal uses or structures

C. **Conditional Uses** – The following **conditional uses** may be authorized subject to the provisions of Section 6 of this Resolution.

.. The use, loading, movement or storage of **vehicles** (other than the **vehicles** of employees or customers), machinery or equipment, and the storage or display of plants, materials or other objects in a location outside of a completely enclosed **building** subject to the following conditions:

.. The nature and locations on the lot of all activities to be conducted outside of a completely enclosed **building** shall be accurately identified. The description of these activities shall include hours of operation, types of activities, types, size, and height of machinery, equipment and material, need for dust and runoff control, and such other information necessary to determine the potential impacts of the proposed activity.

.. Machinery and equipment shall be compact in size, such as mini excavators and compact loaders, and shall not exceed eight feet six inches (8' 6") in height nor thirteen thousand (13,000) pounds, net **vehicle** weight, and shall be of the type customarily used in connection with the principal **use** permitted under Section 5.10(A).

.. Outdoor activities shall not be located in either the minimum **yard** areas or any required **buffer** zone. No outdoor storage shall be permitted in the front of any principal **building** on the lot.

.. Earthen mounds, walls or **fences**, or a combination thereof, at least five (5) feet in height and not more than eight (8) feet in height, shall be required to be installed and permanently maintained in the required setback areas between abutting residential zones and the areas of the lot used for outdoor activities in addition to any **buffer** zone required in Section 5.10(K). The locations, dimensions, materials and all other features of the mounds, walls or **fences** shall be indicated on a **site** plan subject to approval in the **conditional use** permit.

.. The maximum dimension of a paved or gravel area may be limited to 100 feet by requiring such areas to be separated by a landscaped area with a width of at least ten (10) feet.

.. **Offices** which involve the storage and/or delivery of goods or merchandise to customers or other persons.

.. A trip generation and traffic study may be required to project vehicular impacts and suitability for the proposed location.

.. Loading and unloading facilities and spaces

.. The design, location, and orientation of loading and unloading facilities and spaces shall be accurately indicated on a **site** plan.

.. The hours of loading and unloading activities, noise impacts, and nature of **vehicles** shall be accurately stated.

.. Such loading and unloading facilities and spaces shall be designed and situated so as to minimize impact on adjoining residential properties.

.. Retail sales of art and crafts produced on the lot provided that the **floor area** devoted to retail sales does not exceed 25% of the total **floor area.**

.. Child Day Care Center in accordance in with **O.R.C.** Section 5104.01.

.. Churches in accordance with Section 6.5(C).

D. Minimum Lot Area – Lot area shall be at least two (2) acres.

E. Minimum Lot Dimensions

.. Lot width and **frontage** shall be at least two hundred fifty (250) feet.

.. Lot depth shall be at least two hundred fifty (250) feet.

F. Minimum **Yard** Dimensions

.. Each lot shall have a **front yard** depth (and street-**side yard** of a corner lot) of not less than one hundred (100) feet.

.. Each lot shall have a **rear yard** of not less than twenty-five (25) feet.

.. Each **side yard** shall be not less than fifteen (15) feet, except that any **side yard** abutting a residential zone shall be not less than thirty (30) feet.

G. Maximum **Building Floor Area** and Height:

.. The **floor area** of any **building** on a lot shall not exceed fifteen thousand (15,000) square feet.

.. **Building** height, including appurtenant or accessory structures, such as towers, turrets, light poles, or antennas, shall not exceed the height of three (3) stories

or measure more than thirty-six (36) feet in height from **building** grade, whichever is less.

H. Maximum **Building** Coverage – Total **building** coverage including all accessory **buildings** and structures on any lot shall not exceed forty (40) percent of the net lot area, after deducting the front and rear set-back, **side-yard,** and **buffer**-zone areas.

I. Maximum Lot Coverage – Lot coverage shall not exceed forty (40) percent.

J. **Building** Separation – Unless attached to the principal structure, accessory structures shall be located at least twenty-five (25) feet from any other structure.

K. **Buffer** Zones – Where adjacent to residentially zoned property, a **buffer** zone of not less than fifteen (15) feet shall be maintained from any **building**, structure, parking area, **driveway** or outdoor **use** area to the lot line. The **buffer** zone shall be suitably planted with evergreens and shrubbery that contains year-round foliage with these plantings to be at least four (4) feet wide, six (6) feet high, and densely planted. However, **buffer** zone plantings located within twenty-five (25) feet of the **intersection** of two or more streets or access **driveways** shall have a maximum height of three (3) feet and minimum height of two (2) feet. The **buffer** zone shall be in addition to the required **side yard** clearance of thirty (30) feet and **rear yard** clearance of twenty-five (25) feet, except that the **buffer** zone between the lot line and any **driveway,** parking area, or any outdoor **use** area which does not involve the operation, loading, movement, or storage of commercial vehicles, machinery or equipment, may be located within the required **side yard** or **rear yard** if installed and maintained in combination with an earthen mound at least five (5) feet in height and not more than eight (8) feet in height.

L. Off-Street Parking – One off-street parking space shall be provided for each two hundred (200) square feet of gross **floor area** that is not used exclusively for storage purposes. Each parking space shall be ten (10) feet wide and twenty (20) feet long and shall be measured exclusive of **driveways** and passageways giving access thereto. Sufficient lot areas shall be left unpaved to provide an area suitable for an on-site wastewater disposal system as required.

M. Employee and Customer Parking – Parking areas for the vehicles of employees and customers shall be located as follows:

.. Set back at least one hundred (100) feet from public right-of-way
.. Set back at least fifteen (15) feet from a side lot line
.. Set back at least thirty (30) feet from a residential zone
.. Parking for commercial vehicles and equipment used in the operation of the business shall be set back at least fifty (50) feet from a residential zone.

N. **Driveways** – No on-site parking or interior drives shall be constructed less than thirty (30) feet from the road right-of-way. No on-site parking or **driveways** shall be constructed less than fifteen (15) feet from the **side yard** lot lines or less than thirty (30) feet where adjacent to residentially zoned property.

O. More Than One **Driveway** – Where more than one **driveway** fronting on the same right-of-way is used for access to a parking area, they shall be clearly defined as to entrance and exit and shall be separated by suitable plantings to a fifteen (15) foot minimum width of road right-of-way, sufficient to prevent vehicular access between the defined **driveways.**

P. General **Site** Development and Operational Standards

.. Exterior lighting shall only be permitted in conformity with an approved lighting plan which shall comply with Section 4.14 of this Zoning Resolution and with the following:

- All exterior lighting shall be extinguished between the hours of 10 p.m. and 6 a.m.
- Maximum pole height fifteen (15) feet, set back at least fifteen (15) feet from lot lines and thirty (30) feet from residential zone.

.. Exterior speakers, buzzers, telephones or similar noise-generating equipment are prohibited.

.. Exterior waste storage areas shall be accurately indicated on a **site** plan and shall be located behind all principal **buildings** on the lot. The type and volume of waste materials to be stored and the frequency of removal shall be stated. Waste storage areas shall be screened from the view of public roads and abutting residential areas by means of walls, **fences,** landscaping, or shrubbery with year-round foliage of sufficient height to conceal them. Waste shall not be stored at a height greater than six (6) feet.

.. Exterior operations, including loading and deliveries, shall not be permitted between the hours of 10 p.m. and 6 a.m.

.. **Signs** shall be subject to all of the regulations applicable to **signs** in Commercial and **Office Building** Zoning Districts, including Section 4.11(H) of this Resolution.

.. No exterior storage of vehicles, equipment, or materials which are not owned by and necessary to a **use** authorized on the lot.

SECTION 6 CONDITIONAL USE REGULATIONS

Whereas certain specific **uses** or buildings may be necessary or desirable within Russell **Township** to further the purposes of this Resolution, either now or in the future, and whereas appropriate locations for such **uses** cannot be specifically identified, and whereas such **uses** or any one of them may be, or may become inimical to the public health, safety, and general welfare, and may adversely affect orderly development of the **Township** and the achievement of community development objectives, if located without due consideration of existing conditions and surroundings, therefore such **uses** shall be permitted only upon satisfaction of the requirements, conditions, and standards for such **uses** set forth in this Section, in addition to all other applicable requirements of this Resolution. Further, such **uses** are hereby declared to possess characteristics of such unique and special forms that each **use** or building shall be considered as an individual case. No such conditional **zoning certificate** shall be issued for any such **use** except upon the approval of the Board of Zoning Appeals in accordance with the procedures, standards, and requirements set forth herein.

6.1 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 zoning districts 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. Contents of Application for a Conditional **Zoning Certificate:**

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

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

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

All completed applications for a conditional **zoning certificate** shall be submitted to the **Township Zoning Inspector** and shall include, at a minimum, the information contained in the application form. The application fee shall be submitted with the application.

C. 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.

D. 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.

E. Action by Board of Zoning Appeals:

1. Hearings and decisions before the Board of Zoning Appeals shall be conducted in accordance with Section Nine (9) of this Resolution.

2. 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 or approved with conditions deemed necessary to meet the requirements of this Resolution, 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.

3. The date of the filing with the **Fiscal Officer** 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 the purposes of appeal to the Court of Common Pleas pursuant to **O.R.C.** Chapter 2506. (Amended August 17, 2012 – Amendment No. 2012-5)

6.2 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.

B. A conditional **zoning certificate** for any of the buildings, **structures,** and **uses** provided herein shall be valid for a period not to exceed one (1) year from the date of issuance, unless the **applicant** or owner commences substantial work on the premises in accordance with the certificate.

6.3 Revocation of Conditional Zoning Certificate:

A conditional **zoning certificate** shall be subject to revocation by the **Zoning Inspector** upon a finding that:

A. The conditional **zoning certificate** has been issued in error.

B. The conditional **zoning certificate** was issued based upon a false statement by the **applicants.**

C. The construction or **use** described in the conditional **zoning certificate** has not begun within one (1) year from the date of issuance or if construction has begun within one (1) year and said construction has not been completed within two (2) years from the date of issuance, unless otherwise provided in the conditional **zoning certificate**.

D. The **conditional use** described therein is voluntarily discontinued for a period of two (2) years or more.

E. Any of the conditions set forth in the conditional zoning certificate are violated. The Zoning Inspector issues the Conditional Use Permit upon approval by the BZA. If the conditions are not met, it may be revoked accordingly.

The **Zoning Inspector** shall notify the holder of the conditional **zoning certificate** by certified mail of his intent to revoke said certificate and the holder's right to a hearing before the Board of Zoning Appeals, within thirty (30) days of the mailing of the notice, if the holder 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 the holder may present a position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is

requested, the Zon**ing Inspector** may revoke the certificate without a hearing. The authority to revoke a certificate is in addition to any other means of zoning enforcement provided by law.

When a conditional **zoning certificate** has been declared revoked, 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 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. (Amended February 23, 2001 - Amendment # 2000-3)

6.4 General Standards for Conditional Uses:

In addition to the specific requirements for **conditional uses** specified in this section, 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 this 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, based on accepted practices and conducted by a professional engineer or other qualified entity, may be required by the Board of Zoning Appeals in order to:

1. Forecast additional traffic and/or new traffic patterns associated with the proposed **use**, and to ascertain whether the existing transportation network can safely accommodate the proposed **use.**
2. Determine if any public improvements are necessary to accommodate or reduce negative impacts created by the proposed **use**.
3. Allow the community to assess the impacts that the proposed **use** may have.
4. Ensure safe and reasonable traffic conditions on roads after the proposed **use** is complete.
5. Protect the substantial community investment in the road system.
6. Provide other traffic and/or pedestrian related information deemed necessary by the Board of Zoning Appeals.
(Amended August 17, 2012 – Amendment No. 2012-3)

C. The size and number of proposed **off-street parking spaces** and **loading/unloading spaces** (if available) are adequate and are in accordance with the provisions of Section 4.4 of this Resolution.

D. The type, size, location and number of proposed **signs** are in accordance with the provisions of Section 4.11 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 served adequately by essential public facilities including roads, police and fire protection, drainage **structures,** refuse disposal, water and sanitary waste disposal facilities, and **schools,** or that the **applicant** shall be able to adequately provide such services.

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.

The proposed **use** will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.

6.5 Standards and Requirements:

Prior to the granting of approval of any proposed **conditional use**, the Board of Zoning Appeals shall determine that in each case the minimum standards, conditions, requirements, and objectives set forth in this Section have been achieved. In addition, it shall be determined that each **use** so approved shall be in general accord with the over-all development objectives of the **Township,** shall conform to all the requirements of this Section, shall not create undesirable traffic congestion or other hazards, or otherwise impair the safety, health and general welfare of the residents of the **Township.** (Amended September 2, 2005 – Amendment No. 2005-4)

6.5. A. Planned Residential Developments
(Amended September 2, 2005 – Amendment No. 2005-4)

In accordance with development objectives for Russell **Township** to preserve the rural quality and natural **landscape** of the **Township,** to make more efficient use of facilities and improvements required in connection with new residential development, in order to provide adequate open space for such new residential development, and in order to provide increased flexibility in the design and arrangement of developments, an application for approval of plans for a Planned Residential Development may be made for **land** within the R-3 and R-5 Zoning Districts in the **Township** in accordance with the following standards, conditions and requirements:

1. There shall be no more than one single-**family** detached home on a **lot.**

2. The proposed development shall encompass a minimum area of twenty (20) contiguous acres, and the total area shall be under one ownership of record at the time of application, or the subject of joint application.

3. The area of one or more individual **lots** within the development may be reduced to not less than two-thirds (2/3) of the required minimum **lot area**.

4. The total number of **building** lots proposed shall not exceed the number of l**ots** which would otherwise be permitted, assuming that ten (10) percent of the area would be required for street-**rights-of-way.**

5. For the purposes of this Section "remaining **lands**" means an area equal to ninety percent (90%) of the total acreage of the development less the acreage of the **lots** to be developed.

    a. The remaining **lands** shall be set aside and perpetually preserved as common open **lands** for the private **use** of the owners of the residential **lots,** with that **use** being subject to the limitations set forth herein. A non-profit homeowners' association or similar acceptable legal entity shall take title to these common open **lands,** with a proper declaration of covenants and restrictions reflecting the requirements hereunder, and all of the **lot** owners within the development shall belong to the association. The homeowners' association or similar acceptable legal entity shall be solely responsible for the care and maintenance of the common open **lands** and said common **lands** shall be used only for passive purposes, as described in subsection 'd' below, that do not disturb the natural state of the **land.** The declaration of covenants and restrictions shall provide that the Russell **Township Board of Trustees**

shall have the right to enforce the declaration of covenants and restrictions and shall have a legal interest therein sufficient to maintain such standing.

b. The Homeowners Association shall have the power to promulgate reasonable rules and regulations for the shared **use** and preservation of the common open l**ands** and shall have the power to impose and collect reasonable assessments for the maintenance thereof.

c. Common open **lands** approved as part of a planned residential development under this section shall not be depleted, reduced in size, or later converted to any other use. Copies of the proposed documents establishing the Homeowners Association shall be submitted with the Application for **Conditional Use,** and no Application for **Conditional Use** shall be approved until such documents are in acceptable form to preserve perpetually the common open **lands**. Prior to approval of the **Conditional Use**, agreement must be obtained from a lawfully existing **land** trust (or a similar conservation organization) and from the Russell **Township Board of Trustees** to become joint grantees of a conservation **easement** on the common open **lands.**

d. Common open **lands** shall be preserved in their natural state to the extent consistent with the conservation objectives of this regulation, and any paths or trails enhancing access to the **lands** shall be composed of natural materials and designed in such a way as to have the most minimal impact on the **land**. The **lands** may be used for farming of the same type as currently is being used for farming at the time of application, when authorized in a conservation **easement** and in an Association's covenants and restrictions. (Amended December 1, 2006 – Amendment No. 2006-4)

e. Any areas to be designated as required **open space** that are disturbed during construction or otherwise not preserved in their natural state, shall be **landscaped** with vegetation that is compatible with the natural characteristics of the **site.**

6. The design of the development shall comply with all requirements of the rules and regulations governing the **subdivision** of **land** within Geauga **County** including the following requirements and standards:

..The arrangement of **streets** and l**ots** shall be logically related to existing topography and **land** form; grading, cutting and filling shall be avoided insofar as possible.

..Natural features such as hills, trees, wooded areas, rock outcroppings, ravines, and **watercourses** shall be undisturbed insofar as possible.

..**Lots** and **streets** shall be arranged to take best advantage of views and existing natural settings and shall have no adverse effect on surrounding and neighboring property.

..The common **open space** preserved as part of the development shall be arranged in one or more areas of not less than three (3) acres including water areas in each area and shall be designed to best preserve the natural quality of the **site**. Insofar as possible open areas shall be designed to be contiguous with one another and contiguous with similar areas in adjacent developments.

7. **Lot** and **yard** dimensions set forth elsewhere in these regulations shall not apply to Planned Residential Developments, but rather **lots** shall be created, and all **structures** shall be located on **lots**, in such a way as to maximize the preservation of **open space** and desirable natural features. However, **yard** requirements for **structures** shall be as follows:

..**Front yard** shall be not less than seventy (70) feet (from the proposed PRD road right-of-way)
..**Each Side Yard** shall be not less than thirty (30) feet; however the **side yard** on the **street** side of a corner **lot** shall be the same as the **front yard** required for that **street** and subject to the same restrictions as the **front yard.**
..**Rear yard** shall be not less than twenty-five (25) feet

All zoning requirements regarding maximum **lot** coverage (**impervious surfaces**) shall be met. For **lots** that are less than three (3) acres in an R-3 zoning **district** and less than five (5) acres in an R-5 zoning **district**, the **impervious surface** shall remain the ten percent (10%) allowed for minimum **lot areas** of three (3) and five (5) acres respectively, as set forth in Section 5.2.B.

The minimum building setback from an existing perimeter road **right-of-way** shall be one hundred (100) feet, and the minimum building setback from the PRD project boundary shall be seventy-five (75) feet. However, a variance to these setbacks may be considered when natural features along the existing perimeter road are substantial enough to provide adequate buffering, or when significant natural features located on the interior of the **site** make it more important to conserve those natural features than to

maintain the building setbacks along the perimeter.

Written proof of compliance with applicable regulations pertaining to sewage treatment shall be provided by the applicable governmental agency.

6.5. B. Parochial and Private Schools, and Institutions

Recognizing that the development of parochial or private **schools** may be desirable within the **Township** to serve the growing population of the area if developed in accordance with the development objectives of the **Township** and with due regard for the impact of such uses upon traffic flow, adjacent **land uses** and the visual character of the area, an application for conditional use approval of plans for such **uses** may be made for and within the R-3 and R-5 Residential Zoning **District**s within the **Township** in accordance with the following standards and requirements:

1. **Uses** shall be limited to parochial or private **schools** and similar Philanthropic or charitable institutions.

2. The proposed **use** shall have a **lot** area of not less than five (5) acres.

3. Building coverage shall not exceed twenty-five (25) percent of the total **site** area.

4. Such **uses** shall have a **street frontage** of not less than three hundred (300) feet.

5. Access roads and **driveways** shall be located not less than one hundred and fifty (150) feet from any **intersection,** and such road and **driveway** system shall be designed with due regard to traffic safety and the maintenance of a smooth and efficient flow of traffic in the area.

6. Any such **uses** shall be so located and the access and service roads so located that the main traffic movement to and from the **use** will not be drawn through **streets** which are designed for residential traffic or built-up residential areas.

7. Off-street parking shall be provided in accordance with the requirements of Section 4.4 of this Resolution and of sufficient area to provide one (1) parking space for each staff member, faculty, or other full-time employee. In addition, no parking area shall be permitted within thirty (30) feet of any **street** or property line. One (1) parking space for each five (5) students

shall be provided based upon the estimated maximum enrollment of students of legal driving age.

8. **Yard** requirements shall be as follows:

..A **front yard** of not less than one hundred twenty-five (125) feet from the road right-of-way shall be provided.
..Each **side yard** shall be not less than seventy-five (75) feet.
..A **rear yard** of not less than one hundred (100) feet shall be provided.

9. Height requirements shall be the same as are specified for the zoning **district** in which the proposed use is located, except as may be specifically modified by the Zoning Board of Appeals in unique and special cases.

10. No fields or facilities designed or used for organized play or athletic events or activities shall be located within seventy-five (75) feet of any **street** or property line.

11. Service areas and facilities, storage areas, waste disposal facilities, or similar areas and facilities shall be located not less than one hundred twenty-five (125) feet from any **street** line and shall be screened from adjacent uses.

12. Each such use shall be located, planned, and designed so as to be in keeping with the surrounding development pattern and character of the area, and shall not create or tend to create a condition which is noxious, disturbing, or offensive or which will otherwise impair general safety or welfare.

13. Written proof of compliance with applicable regulations pertaining to sewage treatment shall be provided by the applicable governmental agency.

14. A report from a qualified hydrologist regarding the available groundwater supply **for the subject property and adjacent properties** shall be provided. The report shall document that the proposed **use** shall not have a negative impact on the groundwater supply for adjacent properties and the affected aquifer.

15. Activities on the grounds of the parochial and private **schools** must be directly related to the education or sports events of the students. All activities on the grounds and buildings must not generate objectional noise or disturbance for adjacent neighbors.

6.5. C. Churches

Recognizing that the development of churches, temples, synagogues, and other places of worship and religious activity may be desirable within the **Township** to serve the growing population of the area if developed in accordance with the development objectives of the **Township** and with due regard for the impact of such uses upon traffic flow, adjacent **land uses**, and the visual character of the area, an application for **conditional use** approval of plans for any such uses may be made for **land** within any zoning **district** within the **Township**, except Active Park **District** (APD) and Passive Park **District** (PPD), in accordance with the following standards and requirements:

1. **Uses** shall be limited to churches, temples, synagogues, and other places of worship or religious activity.

2. The proposed **use** shall have a **lot area** of not less than five (5) acres.

3. Building coverage shall not exceed twenty-five (25) percent of the total lot area.

4. The proposed **use** shall have a **street frontage** of not less than three hundred (300) feet.

5. Access roads and **driveways** shall be located not less than one hundred and fifty (150) feet from any **intersection,** and such road and **driveway** system shall be designed with due regard for traffic safety and the maintenance of a smooth and efficient flow of traffic in the area.

6. Such **uses** shall be so located, and the access and service road so located that the main traffic movement to and from the **use** will not be drawn through **streets** which are designed for residential traffic or built-up residential areas.

7. Off-street parking shall be provided in accordance with Section 4.4 of this Resolution and of sufficient area to provide a number of parking spaces equal to twenty-five (25) percent of the total lawful seating capacity of the sanctuary and other main assembly areas. In addition, no parking area shall be permitted within thirty (30) feet of any **street** or property line.

8. ..The front **yard** shall be not less than one hundred twenty-five (125) feet from the road **right-of-way.**
..Each **side yard** shall be not less than seventy-five (75) feet.
..The **rear yard** shall be not less than one hundred (100) feet.

9. Service areas and facilities, waste disposal facilities, and similar facilities shall be located not less than one hundred twenty-five (125) feet from any **street right-of-way** line and shall be screened from adjacent uses.

10. Height limitations shall be the same as specified for the zoning **district** in which the proposed **use** is to be located, except that modification may be made upon specific permission of the Zoning Board of Appeals in unique and special circumstances, or in order to comply with basic design objectives of the **use**, provided that such modification will not impair the intent of this Resolution or the general safety and welfare.

11. Each such **use** shall be located, planned, and designed so as to be in keeping with the surrounding development pattern and character of the area, and shall not in any way create or tend to create any condition which is noxious, disturbing, or offensive or which will otherwise impair health, safety and general welfare.

12. Written proof of compliance with applicable regulations pertaining to sewage treatment shall be provided from the applicable governmental agency.

13. A report from a qualified hydrologist regarding the available groundwater supply for the subject property and adjacent properties shall be provided. The report shall document that the proposed **use** shall not have a negative impact on the groundwater supply for adjacent properties and the affected aquifer**.**

6.5 D. Private or Commercial Recreational Areas
(Amended June 28, 1996 B Amendment No. 96-1)

Recognizing the often unique and peculiar nature of **recreational areas**, but at the same time recognizing that such **uses,** as defined in Section 2 of this Resolution, may be desirable within the **Township** to serve the residents and to provide suitable recreational facilities not otherwise available to the **Township,** if developed in accordance with the objectives of the **Township** and with due regard for the impact of such use on the environment, health, safety, and in particular, groundwater aquifers within the **Township,** the impact upon aquatic and animal habitats, surface bodies of water, rivers, streams and the like, and the need to protect the groundwater, surface waters, and reduce the hazards of pesticides, pollution, and contamination of soil and water, and in order to reduce the adverse impacts of the increase of traffic flow, and the impact of **recreational areas** upon adjacent **land uses,** which in the case of the **Township** will in all likelihood be residential zoned **districts**, an application for conditional approval of plans for any **recreational area** may be made for **land** within any zoning **district** within the **Township**, except PPD and APD, in accordance with the following guidelines, standards and requirements.

1. **Uses** shall be limited to private or commercial **recreational areas** as defined in Section 2 of this Resolution, but not including carnivals and related amusement activities, or outdoor theatres or race and sport driving tracks.

2. Building coverage shall not exceed five (5) percent of the total **lot area**, exclusive of that portion of the **lot area** used for riding trails, and similar outdoor activities.

3. The proposed **use** shall have a **street frontage** of not less than three hundred (300) feet.

4. Access roads and **driveways** shall be located not less than one hundred fifty (150) feet from any **intersection,** and such road and **driveway** system shall be designed with due regard for traffic safety and the maintenance of a smooth and efficient flow of traffic in the area. All lighting shall be located and shielded so as not to pose a hazard to **vehicles** on roads or a nuisance to contiguous property owners or residents across the **street** from any **recreational area.**

5. Such **uses** shall be located, and the access and service roads so located that the main movement to and from the **use** will not be drawn through streets which are designed for residential traffic or built-up residential areas.

6. Off-street parking shall be provided in accordance with Section 4.4 of this Resolution. In addition, the number of spaces will be sufficient to provide adequate parking during operation or utilization of the facility at capacity. In general, one space should be provided for each two persons which could reasonably utilize the facilities at any given time. For theatres and similar facilities, one (1) space should be provided for each four seats. No parking areas shall be permitted within thirty (30) feet of any **street right-of-way** or property line.

7. **Yard** requirements for buildings as well as outdoor recreation facilities or **structures** shall be as follows:

..The **front yard** shall be not less than one hundred fifty (150) feet from the road **right-of-way**

..Each **side yard** shall be not less than one hundred (100) feet

..The **rear yard** shall be not less than one hundred (100) feet

.. **Restaurants**, dining halls, lodges, and similar facilities shall be not less than five hundred (500) feet from any property line.

8. Height requirements shall be the same as are specified for the zoning **district** in which the proposed **use** is located, except as may be specifically modified by the Zoning Board in unique and special cases.

9. Service areas and facilities, storage areas, and waste disposal facilities shall be located not less than three hundred (300) feet from any property or **street right-of-way** line and shall be screened from adjacent properties as required by the Board of Zoning Appeals. In the case of maintenance buildings where mixing and storing pesticides, nutrients or other chemicals are utilized, they shall be located, where possible, in areas that will have the least impact on ground water aquifers, surface waters, **wetlands** and other sensitive environmental areas. Such buildings shall be located in ground water discharge areas, if possible. All maintenance buildings shall provide for a system so that pesticide mixing and wash water will not be discharged from the mixing and washing facility. Alternatively, if discharge is to occur, a filtration system must be utilized, and the **applicant** must demonstrate (i) the facility is not discharging chemicals from the facility and (ii) Best Management Practices are employed to protect natural resources.

10. Adequate provisions shall be made for screening and fencing of any **uses** or activities (such as **swimming pools**, and similar **uses**) which may in any way constitute a hazard to safety or general welfare, in order to prevent uncontrolled access and provide protection to adjacent properties from such **uses** or activities.

11. Each **use** shall be located, planned, and designed so as to be in keeping with the surrounding development pattern and character of the area and the objectives of this Resolution, and shall not create or tend to create a condition which is noxious, disturbing, or offensive or which will otherwise impair the health, safety, general welfare or morals of the **Township.**

12. Insofar as possible, natural features such as hills, trees, wooded areas, ravines, and water courses and the natural topography and character of the **lot** shall be preserved.

13. In the event any **ponds** or **lakes** are located or installed upon any **land** being utilized for any **recreational area,** at least two (2) of the **ponds** shall be equipped with a dry fire hydrant meeting the specifications of the Russell Township Fire Department and in compliance with the standards of the National Fire Protection Association and where possible such dry fire hydrants shall be located within five hundred (500) feet of any maintenance building, food serving facility or storage building.

14. A report from a qualified hydrologist regarding the available groundwater supply for the subject property and adjacent properties shall be provided. The report shall document that the proposed **use** shall not have a negative impact on the groundwater supply for adjacent properties and the affected aquifer.

15. Written proof of compliance with applicable regulations pertaining to sewage treatment shall be provided from the applicable governmental agency

6.5. E. Restricted Research and Administrative Office Campuses

Recognizing the limited resources and capabilities within the **Township** to support manufacturing activity and the inconsistency of such operations with the development objectives of the community, but at the same time recognizing the attractiveness of a rural environment within close proximity to the Cleveland metropolitan area, such as offered by Russell **Township**, to certain limited research

and administrative activities and the suitability of such uses to the development objectives of Russell, if developed with due regard for the impact of such uses upon traffic flow, adjacent **land uses,** and visual character of the area, an application for approval of plans for any such **use** may be made for **land** within any zoning **district,** except PPD and APD, within the **Township** in accordance with the following standards and requirements:

1. **Uses** shall be limited to **bench-type research**, data processing, design centers, **offices,** administration centers, and similar activities and operations, but not including manufacturing, distribution, or similar operations of any type.

2. The proposed **use** shall have a **lot** area of not less than twenty-five (25) acres.

3. Building coverage shall not exceed ten (10) percent of the total **lot area.**

4. The proposed **use** shall have a **street frontage** of not less than five hundred (500) feet.

5. Access roads and **driveways** shall be located not less than one hundred fifty (150) feet from any **intersection,** and such road and **driveway** systems shall be designed with due regard for traffic safety and the maintenance of a smooth and efficient flow of traffic in the area.

6. Such **uses** shall be so located, and the access and service roads so located and designed that the main traffic movement to and from the use will not be drawn through **streets** which are designed for residential traffic or built-up residential areas.

7. Off-street parking shall be provided in accordance with Section 4.4 of this Resolution. One (1) parking space shall be provided for each employee or staff member of the **use**, based on the anticipated average annual employment, and sufficient additional parking shall be provided to serve any special visitor or conference facilities included within the **use,** such as auditoriums, exhibition areas, and similar facilities. No parking areas shall be located within seventy-five (75) feet of any **street right-of-way** or property line.

8. **Yard** requirements for all buildings and other **structures** or facilities shall be as follows:

   ..The **front yard** shall be not less than two hundred fifty (250) feet from the road **right-of-way.**

   ..Each **side yard** shall be not less than two hundred (200) feet

   ..The **rear yard** shall be not less than two hundred (200) feet.

9. Height requirements shall be the same as are specified for the zoning **district** in which the proposed **use** is located.

10. Service areas and facilities, storage areas, or waste disposal facilities shall be located not less than two hundred fifty (250) feet from any **street line** and shall be screened from adjacent **uses.** Incineration facilities shall not be allowed.

11. Each such **use** shall be located, planned, and designed to be in keeping with the surrounding development pattern and character of the area and the objectives of this Resolution and shall not create or tend to create any condition which is noxious, disturbing, or offensive, or which will otherwise impair the general health, safety or welfare.

12. Insofar as possible, natural features such as hills, trees, wooded areas, ravines, and **watercourses**, vistas, views, and the natural topography and character of the **lot** shall be preserved.

13. Written proof of compliance with applicable regulations pertaining to sewage treatment shall be provided from the applicable governmental agency.

14. A report from a qualified hydrologist regarding the available groundwater supply for the subject property and adjacent properties shall be provided. The report shall document that the proposed **use** shall not have a negative impact on the groundwater supply for adjacent properties and the affected aquifer.

6.5. F. Service Garages or Gasoline Service Stations

Recognizing that service garages or **gasoline service stations** for the servicing, repairing, and fueling of automobiles present peculiar hazards to traffic movement and safety as well as potential hazards of fire, noxious or offensive fumes, odors

and noise, but at the same time recognizing that such **uses** may be desirable within the **Township** to serve the objectives of the Commercial - and Services Zones and the convenience of the residents if developed with due regard for the impact of such **uses** upon traffic flow, the safety of adjacent property, the visual character of the area, and the general welfare. An application for approval of plans for such **uses** may be made for any **land** within a Commercial – and Services Zone within the **Township** in accordance with the following standards and requirements:
(Amended August 20, 2016 – Amendment No. 2016-2)

1. **Uses** shall be limited to the sale of motor fuels, **electric vehicle supply equipment and spaces,** the sale of new auto accessories and parts, storage and routine repair, and maintenance operations, exclusive of major body repair, and painting. **Gasoline Service Stations** may sell incidental convenience items including snacks and prepared foods. Services or facilities for truckers or the fueling or servicing of highway transport trucks shall not be permitted.

2. The proposed **use** shall have a **lot area** of not less than one (1) acre.

3. Building coverage including **accessory building,** storage facilities, and pump island shall not exceed twenty-five (25) percent of the total **lot area.**

4. The proposed **use** shall have a street **frontage** of not less than two hundred (200) feet on each **street,** which abuts the **lot.**

5. **Driveways** and access roads shall be located not less than one hundred (100) feet from any **intersection.** Such **driveways** shall not exceed thirty (30) feet in width at the point of **intersection** with the **street** pavement, and the centerlines of such **driveways** shall be not less than sixty (60) feet apart. Not more than two (2) such **driveways** shall be permitted to each **street** which abuts the property.

6. Such **uses** shall be located so as to front on at least one (1) **street** which is designed and **used** for major traffic movements within the **Township.** Location of such **uses** so that the only access is from **streets** which are designed and **used** for residential traffic shall not be permitted.

7. All gasoline and fuel storage shall be located not less than fifty (50) feet from any property line.

8. All other storage, repair, lubrication, washing, and similar operations, and all display of automobile products, except motor oil, shall be within an enclosed building.

9. Automobile storage, except short-term parking for customer **vehicles,** shall be within an enclosed building.

10. Waste disposal facilities shall be located not less than fifty (50) feet from any property line and shall be screened from adjacent properties. Incineration facilities shall not be allowed.

11. A **buffer** strip not less than fifteen (15) feet in width shall be provided adjacent to the entire boundary of the **lot,** except those areas utilized for **driveways** and access roads, which shall be suitably **landscaped** and maintained in good order to protect adjacent properties, maintain the character of the surrounding area, and prevent uncontrolled automobile access. Such **landscaping** shall not interfere with or obstruct the vision and visibility of **vehicles** entering or leaving the premises.

12. Gasoline pumps and pump islands shall be located not less than fifty (50) feet from any adjacent property line, nor less than thirty (30) feet from any street **right-of-way** line.

13. Other **yard** requirements for all buildings and **structures** shall be as follows:

    ..The **front yard** shall be not less than seventy (70) feet from the road **right-of-way**

    ..The **rear yard** shall be not less than fifty (50) feet, except that if such **rear yard** abuts a residential zoning **district**, the **rear yard** shall be not less than seventy (70) feet

    ..No **side yard** shall be less than seventy (70) feet.

14. Height requirements shall be the same as for the zoning **district** in which the proposed **use** is to be located.

15. All **driveways,** access roads, parking areas, and **vehicle** maneuvering areas shall be paved in durable, dustless, all-weather pavement, shall be adequately drained, and shall be illuminated adequately during the hours between sunset and sunrise during which the **use** is in operation. Adequate screening and shielding shall be provided to protect adjacent uses from the **glare** of such illumination and from that of **vehicle** headlights.

16. Each such **use** shall be located, planned, and designed so as to be in keeping with the surrounding development pattern and character of the area and the objectives of this Resolution, and shall not create or tend to create any condition which is noxious, disturbing, or offensive or which will otherwise impair the health, safety, or general welfare.

17. In reviewing any application for a service garage or **gasoline service station,** consideration shall be given to the number and distribution of such **uses** within the **Township,** and the existence of such **uses** which may be vacant or inoperative, in order to discourage the speculative development of such operations.

18. Written proof of compliance with applicable regulations pertaining to sewage treatment shall be provided by the applicable governmental agency.

19. A report from a qualified hydrologist regarding the available groundwater supply for the subject property and adjacent properties shall be provided. The report shall document that the proposed **use** shall not have a negative impact on the groundwater supply for adjacent properties and the affected aquifer.

6.5. G. (Reserved)

6.5. H. Billboards

Recognizing that billboards may be desirable within the **Township** to serve the growing population of the area if developed in accordance with the development objectives of the Township and with due regard for the impact of such uses upon traffic flow, adjacent **land uses**, and the visual character of the area, an application for approval of plans for any such use may be made for land within the **Township** in accordance with the following standards and requirements:

A billboard shall be classified as commercial use and may be allowed in any C-S Commercial and Services Zone, LB Limited Business Zone or O-B Office Building Zone or on any land used for agricultural purposes. Billboards shall be prohibited in all other zoning districts. 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. (Amended August 20, 2016 – Amendment No 2016-2).

No application for a conditional zoning certificate shall be approved for a billboard and a conditional zoning certificate issued therefor unless it complies with all of the conditions of Section 4.11.N.2. Each billboard shall be subject to the issuance of a separate conditional **zoning certificate.**

6.5. I. Adult Oriented Businesses
(Amended November 3, 2006 – Amendment # 2006-3)

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

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

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

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

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

WHEREAS, it is not the intent of the Russell **Township Zoning Commission** and Board of **Township Trustees** to condone or legitimize the distribution of obscene material, and they recognize that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the **Township.**
WHEREAS, the Russell **Township Zoning Commission** and Board of **Township Trustees** have determined, through careful review of studies of the secondary effects of Adult Oriented Businesses, that a **buffer** of at least 600 feet is necessary between such businesses and residential **districts**, **churches** or places of worship,

public or private **schools,** public parks or playgrounds, child day care centers, and public libraries to protect the health, safety, and general welfare of the people of this **Township**. However, due to the limited size of the existing CS zoning in the **Township** and the geographical distribution of that zoning **district**, providing a 600 foot **buffer** at this time and under these circumstances would violate present First Amendment standards that apply to zoning restrictions upon the locations of Adult Oriented Businesses. Because of these concerns, the **buffer** is presently established at 300 feet to provide adequate opportunity for protected First Amendment expression. If circumstances change in the future such that a **buffer** of 600 feet or greater can be provided while still allowing sufficient opportunity for protected First Amendment expression, the **buffer** at that time will be expanded to adequately protect the health, safety, and general welfare of the people of this **Township** by reducing the impact of the secondary effects of Adult Oriented Businesses.

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

1. Definitions

For the purposes of this section, the following definitions of terms shall apply:

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

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

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

- Persons who appear in a state of nudity, or

- The exhibition of "specified anatomical areas" or "specified sexual activities" for observation by patrons.

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

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

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

- 10 percent or more of the gross public **floor area** is devoted to adult media.
- 10 percent 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 10 percent or more of its gross public **floor area** to the sale or rental of adult media or sexually oriented devices, toys or novelties.

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

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

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

adult media are on display to the public.

"Establishment" means any business regulated by this article.

"Explicit sexual material" means any hard-core material.

"Gross public **floor area**" means the total area of a building accessible or visible to the public including showrooms, merchandise display areas, service areas, behind-counter areas, storage areas, stage areas, screen areas, and arcades; including the aisles, hallways, and entryways serving such areas.

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

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

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

"Nudity" means the showing of either of the following:

- The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or

- The female breast with less than a fully opaque covering on any part of the areola.

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

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

even if completely and opaquely covered.

"Specified sexual activities" means any of the following:

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

"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 500 square feet of **floor area.**

2. Conditions for Adult Oriented Businesses

Adult oriented businesses may only be allowed as a conditional use in the C-S-1 Commercial and Services One Zone.

An adult oriented business shall be subject to the procedure for conditional **zoning certificates** as set forth in Section 6 of this resolution, the general conditions for **conditional uses** as provided in Section 6 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 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. See Section 5.3.1. (Amended August 20, 2016 – Amendment No. 2016-2)

B. An adult oriented business shall be located more than 300 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 in a straight line, without regard to intervening **structures** or objects, from the nearest **lot line** of the **lot** or premises where an adult oriented business may be conducted to the nearest **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 600 feet from any other lawfully existing adult oriented business. For the purpose of this condition, measurement shall be made in a straight line, without regard to intervening **structures** or objects, from the nearest **lot line** of the **lot** or premises devoted to a lawfully existing adult oriented business to the nearest **lot line** of the **lot** or premises on which an adult oriented business may be conducted.

D. An adult-oriented business shall be conducted within a fully enclosed building.

E. Management personnel shall be present at all times when an adult-oriented business is open for operation.

F. Proof of compliance with the rules and regulations of the **county** building department, **county** water resources department, **county** general health **district,** fire prevention **office** or fire department, and such other state and federal codes as may be applicable shall be provided for an adult oriented business.

G. An adult oriented business shall comply with all of the off-street parking regulations in this resolution for the zoning **district** in which it is located. See Section 4.4.

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. See Section 4.11.

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. See Section 5.3.

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.

3. 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 or public library within 300 feet, of a residential zoning **district** boundary or a residential use on a **lot** within 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 or a public library.

6.5. J Retail Food Service

Recognizing that **Retail Food Service** presents peculiar hazards to traffic movement, health, and safety as well as potential hazards of fire, noxious or offensive fumes, odors and noise, but at the same time recognizing that **Retail Food Service** may be desirable within the **Township** to serve the objectives of the C-S-1 Commercial and Services One Zone and the convenience of the residents if developed with due regard for the impact of such uses upon traffic flow, adjacent property and the general welfare, an application for approval of plans for **Retail Food Service** may be made for any **land** within the C-S-1 Commercial and Services One Zone within the **Township** in accordance with the following standards and requirements:

1. **Retail Food Service** shall be a **conditional use**, permitted only on **lots** serviced by sanitary sewer within the 208 service plan area approved by the **Township.** It shall be subject to all C-S-1 zoning requirements as delineated in Section 5.3.1 of the

Russell **Township** Zoning Resolution, as well as the requirements of this section, which when in conflict shall supersede Section 5.3.1.

2. Written confirmation must be provided from a qualified hydrologist that sufficient water supply is available for the subject property and adjacent properties. The report shall document that the proposed **use** shall not have a negative impact on the groundwater supply for the adjacent properties and the affected aquifer.

3. Written confirmation must be provided from the Geauga County Department of Water Resources that there is sufficient sewer system capacity and availability, and that the **applicant** is in compliance with all requirements of the Geauga Department of Water Resources.

4. Off-street parking shall be provided in accordance with Section 4.4 of this Resolution, except that the number of spaces shall be sufficient to meet parking needs during operation or utilization of the facility at capacity. This requirement shall, for **Retail Food Service,** supersede the parking requirements under 5.3.1 of this Resolution.

5. Odors: Impact of odors on neighboring properties shall be considered. Information shall be provided by the **applicant** as to the various methods and technologies available to control anticipated odors and cooking related emissions. The **applicant** will document which of these controls will be utilized and why those particular controls are appropriate and will document a program of maintenance for those controls.

6. General **Site** Development and Operational Standards

    a. **Retail Food Service** shall take place in a building that is completely enclosed and constructed to be capable of all-season use.

    b. The nature and locations on the **lot** of all activities to be conducted outside of a completely enclosed building shall be accurately identified. The description of these activities shall include hours of operation, types of activities, and such other information necessary to determine the potential impacts of the proposed activity.

    c. Exterior lighting shall only be permitted in conformity with an approved lighting plan that complies with Section 4.14 of this Zoning Resolution and with the following:

        i. All exterior lighting shall be extinguished outside of the hours of business operations, with the exception of safety/security lighting

operated in conformity with an approved lighting plan.

ii. Maximum pole height shall be fifteen (15) feet, set back at least fifteen (15) feet from **lot lines** and thirty (30) feet from a residential zoning **district.**

d. Amplified music, amplified communications systems and amplified entertainment shall be conducted only inside a completely enclosed building.

e. Exterior speakers, buzzers, telephones and similar noise-generating equipment are prohibited.

f. Exterior waste storage areas shall be accurately indicated on a **site** plan and shall be located behind the principal building on the **lot.** The type and volume of waste materials to be stored shall be stated. The frequency of removal shall be appropriate for the type of waste materials generated. Waste storage areas shall be screened from view by means of walls, **fences, landscaping,** or shrubbery with year-round foliage of sufficient height to conceal them. Waste shall not be stored at a height greater than six (6) feet.

g. **Signs** shall be subject to all of the regulations applicable to **signs** in the Commercial and Services zoning **districts,** including Section 4.11.H of this Resolution.

7. **Buffer** Zones

a. Where adjacent to residentially zoned property, a **buffer** zone of not less than fifteen (15) feet shall be maintained between any building, **structure,** parking area, **driveway** or outdoor use area and the **lot line** of the residentially zoned property. The **buffer** zone shall be maintained in addition to the required **side yard** setback of thirty (30) feet and **rear yard** setback of twenty-five (25) feet.

b. The **buffer** zone shall be suitably planted with evergreens and shrubbery that contains year-round foliage with these plantings to be at least four (4) feet wide, six (6) feet high, and densely planted, installed and maintained atop an earthen mound at least five (5) feet in height and not more than eight (8) feet in height, with the exception of paragraph 7.c below.

c. **Buffer** zone plantings located within twenty-five (25) feet of the **intersection** of streets and/or access **driveways** shall have a maximum height of three (3) feet and a minimum height of two (2) feet.

d. The locations, dimensions, materials and all other features of the mounds shall be indicated on a **site** plan subject to approval in the **conditional use** permit.

8. Exhaust fans, air-conditioning units and other mechanical devices that generate noise and are located on the outside of buildings shall be physically screened to limit the direct transmission of generated noise. Such equipment shall not be located in front, or on any **frontage** side, of the principal building on the **lot.**

9. **Exterior Dining,** as well as other patron activities and/or services (including but not limited to food preparation, beverage service, and entertainment) taking place in any location other than within a completely enclosed building, are subject to the following conditions:

a. Such activities and service shall only be permitted as an ancillary use to **Retail Food Service** operating within a completely enclosed **structure.**

b. No outside service, **Exterior Dining** or other patron activities shall take place in either the minimum **yard** areas or any required **buffer** zone.

c. The nature and locations on the **lot** of all activities to be conducted outside of a completely enclosed building shall be accurately identified in an application for a **conditional use** permit. The description of these activities shall include hours of operation, types of activities and such other information necessary to determine the potential impacts of the proposed activity.

d. Outdoor service or other patron activities shall occur only between the hours of 9:00 a.m. and 10:00 p.m.

6.5. K. Mobile Food Units

1. **Mobile food unit** may be permitted only as a **temporary conditional use** in non-residential zoning **districts**. A conditional **zoning certificate** shall be required.

2. These regulations shall not apply to special events held by invitation only of the affected property owner for private, non-commercial temporary occasions, gatherings, or celebrations that are not open to the general public. A **zoning certificate** or **conditional use** approval shall not be required for such special events.

3. The affected **lot** owner and the **mobile food unit** owner/operator shall be in

conformity with the following regulations, and the **lot** owner shall provide the necessary information to ensure compliance to the **Zoning Inspector**, in addition to the **conditional use** approval.

a. The **mobile food unit** owner/operator or the affected **lot** owner shall submit written documentation from the Geauga County Public Health Department or regulating authority demonstrating health codes have been met.

b. The **mobile food unit** owner/operator or the affected **lot** owner shall submit a copy of the Certificate of Insurance, State of Ohio License, Vendor License, and Russell Fire Department approval.

c. The maximum number of **mobile food units** allowed on a **lot** shall be one (1) at any one time, other than during special events when the maximum number of **mobile food units** shall be two (2). Special events shall not exceed there (3) days in duration, and only two (2) special events shall be allowed in a calendar year.

d. Only food and/or beverages may be cooked, prepared, and served from a **mobile food unit.** No other retail items shall be sold.

e. A **mobile food unit** shall not impede or block pedestrian or vehicular traffic and clear sight distance for ingress/egress to any public or private road.

f. Tables and chairs shall be prohibited.

g. Signage shall be limited to the time the **mobile food unit** is on site and shall be limited to two **signs** with maximum **sign** face of six (6) square feet.

h. Closed lids shall be required on any trash receptacles.

i. The maximum time period permitted for locating and operating a **mobile food unit** on a **lot** shall be two (2) days a week, four weeks per month, for three months maximum in any year.

j. Wheels, any hitch, the engine or other components related to the mobility of the **mobile food unit** shall not be removed, it shall not be erected on any **foundation** or blocks, and it shall not be permanently attached to any other building or **structure** on a **lot.**

k. A **mobile food unit** shall be subject to inspection during operation by the **Zoning Inspector** and the Fire Department for compliance and must conform with the Geauga County Public Health Department requirements.

SECTION 7 NON-CONFORMANCE

7.1 General - Recognizing that upon adoption and any subsequent amendment of this Resolution there may exist **non-conforming uses**, **non-conforming buildings** and/or **non-conforming lots**, (as defined in Section 2), (all such existing **non-conforming uses, non-conforming buildings** and **non-conforming lots** being hereinafter referred to as "non-conformance" or "non-conformity" as the context may require), the following standards and regulations shall apply to any such non-conformance. (Amended August 18, 2000 - Amendment No. 2000-1 and amended December 1, 2006 – Amendment No. 2006-6)

7.2 Future Amendments - Whenever a non-conformance is created as a result of a future amendment to this Resolution, or to the **district** boundaries, such non-conformance may only be continued according to the provisions of this Section 7. Any **building, structure** or **use** for which a **zoning certificate** has been issued at the effective date of any amendment hereto and which does not conform to the provisions of this Resolution or amendments may be completed and used as contemplated at the time such certificate was issued; provided, however, that construction shall be diligently pursued and completed within twelve (12) months of the effective date of any such amendment and any such **non-conforming building**, **structure** or **non-conforming use** shall be subject to all provisions of this Section 7. (Amended August 18, 2000 - Amendment No. 2000-1)

7.3 Non-Conforming Uses - Lawful **use** of any **dwelling, building** or **structure** and of any land or premises, as existing and lawful at the time of enactment of this Zoning Resolution, may be continued subject to the regulations in this Section 7 although such **non-conforming use** does not conform with this Resolution; provided, however, that if any such **non-conforming use** is voluntarily discontinued for two (2) years or more, or the use is changed to conform with this Resolution, any such **non-conforming use** shall be considered abandoned and any future **use** must be in conformity with this Resolution. A **non-conforming use** may be extended only throughout those existing parts of the land, premises or buildings which were arranged or designed for such **non-conforming use**. A **non-conforming use** shall only be changed to a **use** conforming to the **district** in which such **use** is located. (Amended August 18, 2000 - Amendment No. 2000-1)

7.4 Non-Conforming Buildings and Structures

A. **Expansion**

1. No lawful **non-conforming building** or **structure** may be enlarged, altered or relocated in a way which increases its non-conformity, but any **building, structure** or portion thereof, may be altered or relocated to decrease its non-conformity.

2. No lawful **non-conforming 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.

3. No lawful **non-conforming 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.

4. No additional **building** or **structure** not conforming to the requirements of this resolution or any amendment thereto shall be erected in connection with such **non-conforming use** of land.

5. No existing **building** or **structure** devoted to a **use** not permitted by this Resolution in the **district** in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the **use** of the **structure** to a **use** permitted in the d**istrict** in which it is located.

6. Any **non-conforming 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 o**r **structure.**

7. Any **building** or **structure,** or **building** or **structure** and land in combination, in or on which a **non-conforming use** is superseded by a **permitted use,** shall thereafter conform to the regulations for the **district,** and the **non-conforming use** shall not thereafter be resumed.

B. **Destruction of a Non-Conforming Building or Structure Containing a Dwelling Unit** - A **non-conforming building** containing a **dwelling unit** (as defined in Section 2) which is substantially destroyed (as defined below) by an act of God or nature, including, but not limited to, fire, snowfall and wind, or which is rendered uninhabitable as determined by the applicable authorities, including, but not limited to, **building**, health, sanitary and fire authorities, or which is rendered uninhabitable as a result of normal wear and tear, decay or other natural deterioration, may be reconstructed in accordance with the following requirements:

1. Reconstruction must be initiated within one (1) year of the date of the substantial destruction of such **non-conforming building** or the date the **non-conforming building** becomes uninhabitable as determined by applicable authorities.

2. The extent of non-conformance of the reconstructed **non-conforming building** may not be increased in any manner; and

3. A **zoning certificate** for the reconstruction of the **non-conforming building** must be obtained.

The reconstructed **building** may be located in the same location as the original building. The reconstructed **building** may be smaller in size than the original building but not less than the minimum **floor area** designated in Section 4.9. If the original building did not meet the minimum **floor area** requirement of Section 4.9, then the reconstructed **building** cannot be smaller than the original **building.** If the reconstructed **non-conforming building** is smaller in area than the original non-conforming **building,** then the new, smaller dimensions will control any future reconstruction. The expansion and/or enlargement of the **non-conforming building** which increases or extends the nonconformity shall require an application for an **area variance.**

A **building** containing a **dwelling unit** shall be considered to be "substantially destroyed" when such **building** requires repair or rebuilding the costs of which are eighty percent (80%) or greater than the cost of replacing the entire such **building,** such repair and replacement costs to be based upon the average of two (2) estimates from independent, qualified contractors.

The location of a reconstructed **non-conforming building** which does contain a **dwelling unit** shall comply with the **front yard, rear yard** and **side yard** requirements, if any, in effect at the time such **non-conforming building** was originally constructed (if any) but without increasing the nonconformity thereof. (Amended December 1, 2006 – Amendment No. 2006-6)

C. **Destruction of a Non-Conforming Building or Structure Which Does Not Contain a Dwelling Unit** - A **non-conforming building** or **structure** which does not contain a **dwelling unit** (as the term "**dwelling unit"** is defined in Section 2 above) which is substantially destroyed (as defined below) by an act of God or nature, including, but not limited to, fire, snowfall and wind, or which is rendered unusable as a result of normal wear and tear, decay or other natural deterioration, may be reconstructed only in accordance with this Resolution as in effect at the time of any such reconstruction. (Amended December 1, 2006 – Amendment No. 2006-6)

A **building** which does not contain a **dwelling unit** shall be considered to have been "substantially destroyed" when such **building** requires repair or rebuilding the costs of which are fifty percent (50%) or greater than the cost of replacing such entire **building,** such repair and replacement cost to be based upon the average of two (2) estimates from independent, qualified contractors.

(Amended August 18, 2000 - Amendment No. 2000-1 and December 1, 2006 – Amendment No. 2006-6)

7.5 Substitution – A lawful **non-conforming use** may be substituted for a lawful **non-conforming use**, with prior approval of the Board of Zoning Appeals, provided that such **use** is of the same kind and character as the prior lawful **non-conforming use** and does not result in an increase in factors including, but not limited to, vehicular traffic or **dwelling units.**

7.6 Nonconforming Lots of Record
In any zoning **district**, a **building**, **structure,** or **use,** as permitted in this Resolution, shall be allowed on any **lot of record** with a **lot area**, **frontage**, or width less than the minimum prescribed herein, which meets all of the following:

1. It was a **lot of record** prior to enactment of the Zoning Resolution or amendment thereto which resulted in its non-conformity.

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 non-conformity has not been increased since it became non-conforming.

4. It complies with all other regulations set forth in this Resolution, except minimum **lot area**, **frontage,** and width.
5. In R-3 and R-5 zoning **districts** and the Chagrin Heights **Subdivision,** see Section 5.2(B) regarding pre-existing **lots** of record under 3 acres in area.

7.7 Off-Street Parking - A **non-conforming use** shall comply with off-street parking requirements of this Resolution.

SECTION 8 ZONING COMMISSION

8.1 **Zoning Commission** - In accordance with the **O.R.C.** (Ohio Revised Code) Section 519.04 there is hereby created and established the Russell **Township Zoning Commission** of five (5) members. They shall be appointed by the Board of **Trustees** of Russell **Township** for terms of five (5) years each but so arranged that the term of one (1) member shall expire each year. All members of the Commission shall be residents of the **Township**. The members of the existing **Zoning Commission**, holding office as Commission members on the effective date of this Resolution, shall continue as members of the Russell **Township Zoning Commission** for the remainder of their terms of original appointment. Each member shall serve until his successor is appointed and qualified. The Board of **Trustees** may appoint two (2) alternate members to the **Zoning Commission** in accordance with **O.R.C.** Section 519.04.

8.2 **Vacancies** - Any vacancy on the Commission shall be filled by appointment by the Board of **Trustees** and shall be for the unexpired term. A member may be removed as provided by paragraph 519.04 of the **O.R.C.** or other applicable law.

8.3 **Officers: Rules** - The Commission shall annually elect a chairman and vice-chairman from its members. It shall adopt rules or by-laws for the holding of regular or special meetings, the transaction of its business and the exercise of its powers. Where either the general laws of Ohio or the **Trustees**, by this Resolution, have provided for the manner of the exercise of the powers of the Commission, such procedure shall be followed.

8.4 **Meetings: Quorum** - The Commission shall meet in regular session each month. The Commission may choose to cancel a regular monthly meeting if it is deemed by the Commission that no new amendments or other business warrant that meeting. A majority of its members shall constitute a quorum at any meeting. No actions of the Commission shall be deemed taken unless approved by a majority vote of its members present at any meeting, except for action on proposed amendments to this Resolution, which shall require a majority vote of the entire Commission. Special meetings shall be held at the call of the Chairman, the Vice-Chairman, or any two members. All meetings of the Commission called for the purpose of transacting official business shall be open to the public and notice of such meetings shall be posted at the **Township** Administration Building in advance of the meeting; and published in a newspaper of general circulation in the **Township.** Additionally, the notice of meetings of the **Zoning Commission** and minutes of meetings shall be published on the **Township** website. (Amended March 27, 1985 - Amendment No. 31; Amended May 18, 2007 – Amendment No. 2007-2)

8.5 **Powers** - The Commission shall have such powers as are conferred by the general laws of Ohio, or by resolution of the **Trustees,** including this Resolution.

8.6 **Records** - The Commission shall keep minutes of its meetings, hearings and proceedings.

It shall keep a record of its actions and determinations, which shall be set forth in its minutes. Its minutes and records shall be open for public inspection. The Commission shall provide for the safe keeping of its records.

8.7 Zoning and Planning Information - The Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies having information, maps, and data pertinent to Russell **Township** planning and zoning. It may request the Geauga County Planning Commission or any regional planning commission to prepare, or make available, any map, data, or planning material relating to Russell **Township.**

8.8 Submitting a Plan - The Commission shall submit, when requested by the **Trustees,** a plan including both text and maps or any amendments thereto, representing its recommendations for the carrying out by the **Trustees** of the powers, purposes, and provisions set forth in this Resolution or the general laws of Ohio pertaining to planning and zoning.

8.9 Commission May Employ Consultants - Within the limits of the moneys appropriated by the **Trustees** for the purpose, the Commission may employ or contract with such planning consultants and executives and other assistants including clerks, draftsmen, and other subordinates, as it deems necessary. It shall authorize payment of such compensation as fixed by the **Trustees.** Members of the Commission shall be allowed their expenses. They shall be paid such compensation as the **Trustees** may from time to time provide. No **Trustee** shall be eligible for employment by the Commission.

8.10 Access to Property - For the purpose of making surveys, engineers, agents, and representatives of the Commission may enter upon all property within the limits of the **Township.** Such agents and representatives of the Commission shall have access to all property in making any survey in connection with any matter being considered by the Commission.

8.11 Zoning Amendments – The **Zoning Commission** may initiate and/or review proposed amendments to this resolution and make recommendations on the same to the Board of **Township Trustees** as specified in Section 11 of this Resolution.

SECTION 9 BOARD OF ZONING APPEALS

9.1 **Board of Zoning Appeals** - In accordance with the **O.R.C.** (Ohio Revised Code) Section 519.13 there is created and established the Russell **Township** Board of Zoning Appeals of five (5) members, all of whom shall be residents of the **Township.** They shall be appointed by the **Trustees** for terms of five (5) years each, but so that the term of one (1) member shall expire each year. The members of the existing Board of Zoning Appeals, holding office as board members on the effective date of this Resolution, shall continue as members of the Russell **Township** Board of Zoning Appeals for the remainder of their terms of original appointment. The Board of **Township Trustees** may also appoint two (2) alternate members to the Board of Zoning Appeals in accordance with **O.R.C.** Section 519.13.

9.2 **Powers** - The Board of Zoning Appeals shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any decision made by an administrative official in the enforcement of this Resolution.

B. To 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 the Resolution will result in unnecessary hardship, or, where applicable, practical difficulties, so that the spirit of this Resolution shall be observed and substantial justice done.

C. To authorize the issuance of a **Zoning Certificate** for those **conditional uses** set forth in Section 6 of this Zoning Resolution. (Amended October 7, l961 - Amendment No. 6)

D. Such further powers as may be authorized by the general laws of Ohio.

In exercising the above-mentioned powers, such Board may, in conformity with such Section, reverse or affirm wholly or partly, or may modify the decision appealed from, and may make such decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

9.3 **Rules, Organization, of Board of Zoning Appeals** - The Board shall adopt, from time to time, such rules and by-laws as it may deem necessary to carry into effect the provisions of this Resolution and for the holding of regular or special meetings, the transaction of its business and the exercise of its powers.

9.4 **Members** - Each member shall serve until his successor is appointed and qualified. Any vacancy on the Board of Appeals shall be filled by appointment by the Board of **Trustees** and shall be for the unexpired term. A member may be removed as provided by Paragraph 519.13 of the **O.R.C.** or other applicable law. Members shall be allowed their expenses

and such compensation as shall from time to time be fixed by the **Trustees.**

9.5 **Meetings** - The Board shall meet in regular session each month. The Board may choose to cancel a regular monthly meeting if it is deemed by the Board that no new appeals or other business warrant that meeting. It shall keep minutes of its proceedings showing the vote of each member upon each question and indicating the absence of each member or his failure to vote upon each question presented, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the **office** of the **Trustees** and **Fiscal Officer** and be a public record. Special meetings shall be held at the call of the Chairman. All meetings of the Board called for the purpose of transacting official business shall be open to the public and notice of such meetings shall be provided in a newspaper of general circulation in the **Township** and posted at the **Township** Administration Building in advance of the meeting; and, notice of public hearings shall be provided in a newspaper of general circulation in the **Township** and sent certified mailed to all parties in interest. Notice of meetings and minutes of meetings shall also be published on the **Township** website. Applications for an appeal for a variance, an appeal alleging error by the **Zoning Inspector,** or a **conditional use** shall be filed no later than the first Monday of the month prior to a regularly scheduled meeting of the Board of Zoning Appeals. (Amended May 18, 2007 – Amendment No. 2007-2)

9.6 **Officers** - The Board shall annually elect from its members a Chairman and Vice-Chairman. It may employ a secretary and pay such compensation thereto as shall be fixed by the **Trustees.**

9.7 **Assistants** - The Board, within the limits of the monies appropriated by the **Trustees** for the purpose, may employ such executive, professional, technical, and other assistants as it deems necessary.

9.8 **Quorum** - A majority of the members shall constitute a quorum for the transaction of business. No action of the Board shall be deemed taken unless concurred by a majority of the members present, except that in considering variances and **conditional uses**, no action of the Board shall be deemed to have taken place unless concurred in by a majority of the entire Board.

9.9 **Witnesses** - The Chairman of the Board, or in his absence the Vice-Chairman, shall have the power to administer oaths to witnesses. The Board may compel the attendance of witnesses.

9.10 **Subpoena of Witnesses** - The Board shall have the power to subpoena within Geauga County and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any hearing, application, or appeal as is authorized by this Resolution, or by general law. It may examine or permit examination, or cross-examination, of any such witness in relation to such appeal, application, or any matter which it has authority to hear and determine.

9.11 A precipe for a subpoena may be filed by any party to a proceeding before the Board, or by any person entitled to notice of such proceeding or by an attorney or representative of such party or person. Witnesses may be subpoenaed and their attendance compelled within Geauga County, Ohio. Fees shall be allowed to witnesses on their certificates and shall be paid by the treasurer of the **Township** on warrants issued by the **Fiscal Officer** for attendance and travelling, as is provided in Section 2335.06 of the Revised Code of Ohio for witnesses in courts of record. Such fees and travel allowance shall be taxed as costs of the appeal or proceeding. The Board may require a deposit for the subpoena of any witness at the time of filing of the precipe, but no deposit shall be required in the case of a witness subpoenaed on behalf of an administrative **officer** or the **Township**. The **Township** police department shall be responsible for the serving of subpoenas and enforcement of the Board's orders.
(Amended August 17, 2012 – Amendment No. 2012-5)

9.12 **Disobedience of Subpoena** - In case any person shall willfully fail to obey a subpoena of the Board, or shall secrete himself to avoid being served a subpoena, or shall refuse to be sworn or to affirm, or shall refuse to answer a question to be required answering, he shall be charged as provided in Section 2917.26 of the Revised Code of Ohio and shall be subject to the penalties thereunder.

9.13 **Appeals** - Appeals may be taken to the Board from the decision of any administrative **officers** in the enforcement of this Resolution by any person aggrieved. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal which shall specify the grounds of appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Written notices of appeal shall be made on forms provided by the **Zoning Inspector** and shall be signed by the appellant or his authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language:

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

All completed notices of appeal shall be filed with the Zoning Inspector and the Board of Zoning Appeals and shall include, at a minimum, the information requested in the notice of appeal form. The Zoning Inspector or Board of Zoning Appeals may request such supplemental information as may be necessary to ensure compliance with the regulations contained in this Resolution.

9.14 Variances - Where strict compliance with the provisions of this Resolution would result in unnecessary hardship or practical difficulty, as applicable, the Board of Zoning Appeals shall have the power, in the case of a specific property or parcel, to vary any such provision in harmony with its general purpose and intent so that the public safety, health, morals, and general welfare may be secured and substantial justice done.

In considering an application for a variance, the Board shall determine whether the proposed variance involves an "area" or a **"use"** variance. The following standards shall then apply, as appropriate, to each type of variance:

A. **Area variance**. Standards for an "area" variance: the practical difficulties standard shall apply to an **area variance** and the factors to be considered include, but are not limited to, the following. Not all of the following factors must be met by the appellant and no single factor controls in the determination of practical difficulties.

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

2. Whether the variance is substantial.

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

4. Whether the variance would adversely affect the delivery of governmental services.

5. Whether the property owner purchased the property with the knowledge of the zoning restriction.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

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

8. Such other criteria which the board believes relates to determining whether the zoning regulation is equitable.

B. Use variance. Standards for a **'use'** variance: the unnecessary hardship standard shall apply to a **use** variance and the factors to be considered include, but are limited to, the following. All of the following factors must be met by the appellant.

1. The variance requested stems from a condition, which is unique to the property at issue and not ordinarily found in the same zone or **district.**

2. The hardship condition is not created by actions of the appellant.

3. The granting of the variance will not adversely affect the rights of adjacent owners.

4. The granting of the variance will not adversely affect the public health, safety, or general welfare.

5. The variance will be consistent with the general spirit and intent of this Resolution.

6. The variance sought is the minimum which will afford relief to the appellant.

7. There is no other economically viable **use** which is permitted in the zoning **district.**

Before any variance shall be considered, the property owner shall file a written application form therefore as specified in Section 9.13. It shall set forth the location of the premises, the names and addresses of adjacent property owners, a clear statement of the alleged unnecessary hardship or practical difficulty, as applicable, which would result if the application were not granted, and such other information as the Board may require. The application shall be open for public inspection.

C. Notice of Appeal Alleging Error: for notices of appeal alleging error by the **Zoning Inspector,** a written statement shall be made on a form provided by the **Zoning Inspector** and submitted to the **Zoning Inspector** and the Board of Zoning Appeals 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.**

9.15 Procedure and Decisions of the Board of Zoning Appeals

A. 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 Board shall cause notice of the time and place of the hearing to be sent by registered or certified mail to all owners of property as shown on the latest available tax duplicate of Geauga County within three hundred (300) feet of any portion of the land in question. Where parcels within three hundred (300) feet of such parcel are under the same ownership, the owners of all properties next adjacent to the parcels belonging to the owner shall be notified. Failure of delivery of such notice shall not invalidate the proceeding.

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.

The public hearing on the appeal may be continued from day to day for good cause shown. 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.

B. 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.

f. To modify his appeal during the hearing.

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.

C. Decisions of the Board of Zoning Appeals shall be in accordance with the following:

1. All decisions shall include findings of fact and conclusions of law of the Board in support of the decision.

2. A decision of the Board and the adoption of findings of fact and conclusions of law shall be made at a public meeting of the Board. The decision and the findings of fact and conclusions of law of the Board shall be in writing and signed at a public meeting of the Board by all members voting thereon no later than forty-five (45) days from the last date of public hearing.

3. The original written decision and findings of fact and conclusions of law of the Board of Zoning Appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by the Board of Zoning Appeals with the **Fiscal Officer** within five (5) days of the signing of the written decision and conclusions of fact by the Board of Zoning Appeals.

4. Copies of the written and signed decision of the Board of Zoning Appeals shall be sent by ordinary mail, within five (5) days of the signing of the written decision, by the secretary to the Board to the **Zoning Inspector,** the appellant, any legal representatives for the appellant and parties in interest, and the parties in interest.

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. Section 2505.07 for purposes of appeal to the court of common pleas pursuant to O.R. C. Chapter 2506.

9.16 Appeal from Board - Upon the filing of a notice of appeal as provided in the **O.R.C.** and an appropriate precipe, the secretary of the Board shall prepare a transcript as required by law and file the same in the court to which the appeal is taken, provided such notice of appeal is filed within the period allowed by law. Such transcript shall contain the original papers; testimony, if available; and evidence offered to or received by the Board in considering the order from which the appeal is taken.

9.17 Exercise of Powers - The powers herein prescribed are to be exercised in accordance with the provisions of this Resolution, and, where the manner of exercise is not set forth, by the rules of the Board. All powers shall be strictly construed so that the spirit of this Resolution is not violated.

9.18 Supplementary Conditions on Variances

The Board of Zoning Appeals, when granting any appeal for a variance, may place supplementary conditions which are regulations specifically provided for elsewhere in this resolution and which are reasonable and directly related to the requested variance and which the Board deems necessary to protect the public health, safety, morals, and general welfare. Any such supplementary conditions shall be made 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 part of the written decision of the board, shall be deemed a violation of this resolution. (Amended 12/20/22)

SECTION 10 CONFORMANCE AND ENFORCEMENT

10.1 Zoning Inspector; Powers - The enforcement of the provisions of this Resolution shall be vested in the Russell **Township Zoning Inspector,** hereby created, and his deputies and assistants, as may be created by the Board of **Trustees,** all of whom shall be appointed by the Board of **Trustees** and shall serve at the Board's pleasure, and at such compensation as the Board shall determine from time to time.

10.2 Inspector's Bond, Insurance Policy or Coverage - The Inspector, before entering upon the duties of his office, shall give bond as provided by **O.R.C.** Section 519.161 or an insurance policy or coverage document pursuant to **O.R.C.** Section 3.061. His assistants shall give such bond or be subject to such policy or coverage as the Board of **Trustees** may determine.

10.3 System of Zoning Certificates - For the purpose of enforcing the zoning regulations in this Resolution provided, there is established a system of **zoning certificates** to be administered by the Inspector, and his assistants. No person shall locate, relocate, erect, construct, reconstruct, enlarge, or structurally alter any **building** or structure within the territory of Russell **Township** without obtaining a **zoning certificate**, and no such **zoning certificate** shall be issued unless the plans for the proposed **building** or structure fully comply with the zoning regulations then in effect. A **zoning certificate** shall likewise be required for any new use, or for a change of **use** of land, **building**, or structure, or for a **non-conforming use** or structure, or for the **use** of a **lot** or land in a platted **subdivision,** except as specifically exempted by this Resolution or the Ohio Revised Code. The Inspector shall issue all **zoning certificates** and shall keep a record of the same. Where the approval of the Board of Zoning Appeals is necessary, he shall not issue a certificate until such approval is obtained.

10.4 Duties of Zoning Inspector – It shall be the duty of the **Zoning Inspector** to enforce the zoning regulations contained in this Resolution, and in order to fulfill said duty, the **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.**

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.

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 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.** Section 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 **Zoning Inspector.**

K. Upon receipt of a notice of appeal to the Board of Zoning Appeals, the **Zoning Inspector** shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

L. Safely keep and deposit all fees and monies received by him with the **Fiscal Officer** within twenty-four (24) consecutive hours of receipt pursuant to **O.R.C.** Section 117.17.

M. Review proposed preliminary major **subdivision** plats and final major s**ubdivision** 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** 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 and Section 10.16.

10.5 Information Required for a Zoning Certificate and Action by Zoning Inspector

A. Written application for a **zoning certificate** shall be made on forms provided by the **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 **Zoning Inspector** and shall include, at a minimum, the information in the application and the required fee in accordance with Section 10.10.

All applications for **zoning certificates** shall be accompanied by a **site** plan or plat, in triplicate, which shows, but shall not be limited to:

1. The **street** name and **right-of-way** dimensions providing access to the property.

2. **Permanent parcel numbers,** of the concerned and abutting properties.

3. Dimensions and location of the property, **building,** structures, signage, and off-street parking.

4. Location, height, and size of proposed **buildings** or structures.

5. Minimum **yards, lot coverage**, and **landscaping**; and

6 Any other information specifically required by applicable sections of this Resolution or deemed by the **Zoning Inspector** or Board of Zoning Appeals, if applicable, to be necessary for the enforcement of this Resolution.

B. Applications for conditional **zoning certificates** shall contain the information required by Section 6 of this Resolution.

C. Action by **Zoning Inspector** on Application for **Zoning Certificate**

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

In case of disapproval of an application, the **applicant** shall be informed of such disapproval in writing by the **Zoning Inspector.** The zoning regulation(s) violated shall be cited, as well as the **applicant's** right to appeal to the Board of Zoning Appeals in accordance with this Resolution.

One (1) copy of the plans submitted with the application shall be returned to the **applicant** by the **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.

D. 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 **Zoning Inspector** by the Ohio 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.

10.6 Compliance - All departments, officers, and employees of the **Township,** vested with any duty or authority over the issuances of permits or licenses, shall conform to the provisions of this Resolution and shall not issue a permit or license for any **use**, **building,** or purpose if the same would conflict with any such provision. A permit or license issued in conflict with any such provision shall be void and of no legal force and effect.

10.7 Township Uses - No provision of this Resolution shall in any way restrict the **use** of lands or **buildings** owned or occupied by the **Township.** It is the intention of the **Trustees** to retain and reserve to the Township its sovereign rights to the free and unrestricted **use** of lands and **buildings** which it owns or leases for public purposes, notwithstanding any purpose or provision of this Resolution.

10.8 Revocation of **Zoning Certificate-** Any zoning certificate shall be revoked by the **Zoning Inspector** if:

A. The **zoning certificate** has been issued in error by the **Zoning Inspector.**

B. The **zoning certificate** was issued based upon a false statement by the **applicant**.

C. 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 Board of Zoning Appeals in accordance with this Resolution. Such notice shall also include a statement that all construction upon or use of the **building**, structure, or land described in the **zoning certificate** shall cease unless and until a new **zoning certificate** has been issued.

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

10.10 Fees - The Inspector shall collect the amount of fee for each application for a certificate, variance, or appeal as shall be fixed from time to time by the **Trustees** in accordance with

this Resolution and shall pay the same over to the **Fiscal Officer** of Russell **Township** within twenty-four (24) hours. The **Trustees** may adopt regulations covering reimbursement for copies of minutes, Zoning Resolutions, or other materials. (Amended August 17, 2012 – Amendment No. 2012-5)

10.11 Complaints Regarding Violations - Whenever a violation of this Resolution occurs, or is alleged to have occurred, any resident of Russell **Township,** or any person owning real estate within the **Township,** or an interest therein, legal or equitable, may file a complaint with the **Zoning Inspector,** which shall be in writing, setting forth facts in support of the complaint. The **Zoning Inspector** shall supply a form upon which such complaints shall be filed. The complainant shall fully complete the form, sign and date it. The Inspector shall number each complaint filed and shall maintain a record of the date of filing. He shall investigate each complaint without delay and shall prepare a written report of his findings and of any action taken on the complaint pursuant to this Resolution. Such written reports shall be presented at a regular meeting of the Board of **Trustees** and thereafter shall be maintained as part of the permanent record of the **Zoning Inspector.**

10.12 Records - All records required by this Resolution to be maintained by the **Zoning Inspector** shall be permanent and shall be open to the public.

10.13 Investigation of Violations -Whenever the **Zoning Inspector** visits the property of an owner or lessee for the purpose of investigating a zoning violation, he shall have the prior consent of the owner or lessee to enter the affected property and have a copy of the Zoning Resolution with him. Upon request he shall show the owner or lessee all applicable paragraphs of the Resolution regarding the nature of the violation.

10.14 Notices of Violations All Notices of Violation shall state particulars of the violation. Copies of all Notices of Violation shall be maintained by the **Zoning Inspector** as part of the permanent record.

10.15 Township Map - In order that proposed **uses**, roads, developments, and **subdivisions** may be properly planned and reviewed, a map of the **Township** showing all **streets** and highways together with lot or property lines shall be kept current and maintained on file by the **Zoning Inspector.**

10.16 Divisions of Land and Consolidations of Lots – The **Zoning Inspector** shall 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. See also Section 10.4(N).
(Amended August 17, 2012 –Amendment No. 2012-2)

SECTION 11 AMENDMENTS

Amendments to this Resolution shall be in accordance with **O.R.C.** Section 519.12. An application for a zoning amendment may be obtained from the **Zoning Inspector** or the **Zoning Commission** Secretary.

11.1 Initiation of Amendment - Amendments to this Resolution may be initiated by motion of the **Zoning Commission,** by the passage of a Resolution therefore by the **Trustees,** or by the filing of an application therefore by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the **Zoning Commission.** After the passage of their Resolution, the **Trustees** shall certify it to the **Zoning Commission.**

11.2 Commission Action - Upon the adoption of the motion or the certification of such Resolution, or the filing of such application, as referred to in Section 11.1, the Commission shall set a date for a public hearing thereon, which date shall be not less than twenty (20) nor more than forty (40) days, or for such other time as may be fixed by general law, from the date of the certification of such resolution, or the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given by the Commission by one publication in one or more newspapers of general circulation in the **Township** at least ten (10) days before the date of such hearing.

11.3 When Written Notice Required - If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the **Zoning Commission**, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the **street** from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the **county** auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

11.4 What Notices Shall Set Forth - The published and mailed notices shall set forth the time, date, and place of the public hearing, the items specified in **O.R.C.** Section 519.12, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Board of **Township Trustees.**

11.5 Geauga County Planning Commission - Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the **Zoning Commission** shall transmit a copy thereof together with text and map pertaining thereto to the Geauga County Planning Commission. The Geauga 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 **Zoning Commission**. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed

amendment.

11.6 Procedure After Hearing - The Commission shall, within thirty (30) days after the hearing held under Section 11.3 through Section 11.4, recommend the approval or denial of the proposed amendment or the approval of some modification thereof and submit such recommendation together with such application, motion, or resolution, the text and map pertaining thereto and the recommendation of the Geauga County Planning Commission thereon to the **Trustees.**

11.7 Procedure for Trustees - The **Trustees** shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the **Zoning Commission.** Notice of such public hearings shall be given by the Board by one (l) publication in one (l) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing. The published notice shall set forth the time, date, and place of the public hearing and the items specified in **O.R.C.** Section 519.12.

11.8 Adoption by Trustees - Within twenty (20) days after the public hearing, as provided in Section 11.7, the Trustees shall either adopt or deny the recommendations of the Commission or adopt some modification thereof. In the event the **Trustees** deny or modify the recommendation of the Commission, a majority vote of the Board of **Trustees** shall be required. (Amended May 6, 2011 – Amendment No. 2011-2)

11.9 Effective Date of Amendment - Such amendment adopted by the **Trustees** shall become effective thirty (30) days after the date of adoption unless within thirty (30) days from the adoption of the amendment there is presented to the **Trustees** a referendum petition, signed by **thirty-five (35)** percent of qualified voters and conforming to the requirements of the Ohio Revised Code for such petitions, requesting submission of the amendment to the electors of the **Township** at the next subsequent general or primary election, pursuant to Section 519.12 of the Ohio Revised Code.

11.10 Effect of Election - In the event the referendum petition referred to in Section 11.9 is timely filed with the **Trustees** in proper form, the **Trustees** shall submit the amendment approval or rejection at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall become effective immediately.

11.11 Filing – Within five (5) working days after an amendment's effective date, the Board of **Township trustees** shall file the text and map (if any) included in the amendment in the **office** of the County Recorder and with the County Planning Commission.

SECTION 12 PENALTIES

12.1 Prohibition Against Violations - No **building** shall be located, relocated, erected, constructed, reconstructed, enlarged, changed, maintained or **use**; and no land shall be used in violation of this Resolution, and any amendment thereto. Any person who shall violate or assist in the violation of any of the provisions of this Resolution or any amendment or fail to comply therewith, may be subject to a fine of not more than five hundred dollars ($500) for each offense as provided in the Ohio Revised Code, Section 519.99. Each day such violation or failure to comply shall exist may constitute a separate offense. (Amended February 23, 2001 - Amendment No. 2000-3)

12.2 Action to Prevent Violations of Zoning Regulations

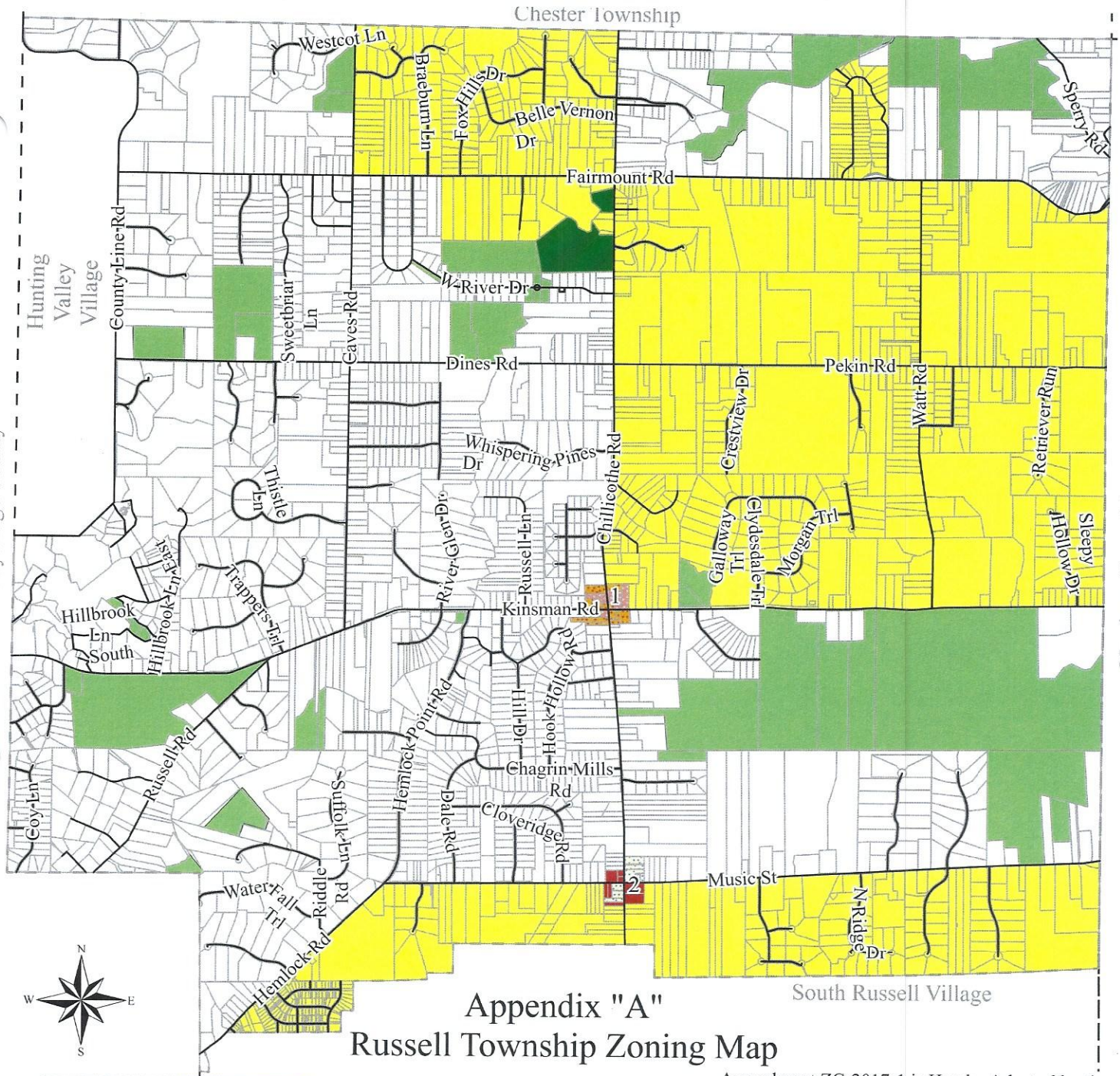
In case any **building** is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or **used** or any land is or is proposed to be **used** in violation of Sections 519.01 to 519.99 inclusive of the Ohio Revised Code or of any regulation or provision adopted by the Board of **Trustees** under such Sections, such Board, the Prosecuting Attorney of the County, the **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.**

12.3 Penalty - Whoever violates any section of this Resolution, shall be punished as provided by the general law of Ohio.

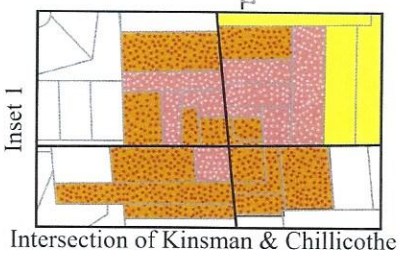
APPENDIX A

Zoning Map

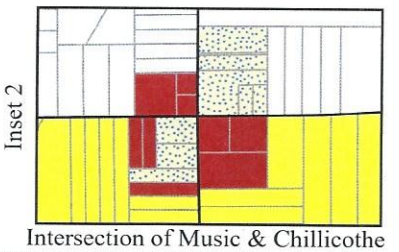
The official Russell Township Zoning Map as established in Section 3.2 of this Zoning Resolution Book is on file at the Russell Township Zoning Office. Such map may consist of one or more sheets depicting zones and districts as designated in Section 3.1 of this Zoning Resolution Book.



Appendix "A"
Russell Township Zoning Map



Intersection of Kinsman & Chillicothe



Intersection of Music & Chillicothe

Zoning Districts

- R-3: Residential
- R-5: Residential
- C-S-1: Commercial & Services 1
- C-S-2: Commercial & Services 2
- LB: Limited Business
- O-B: Office Building
- PPD: Passive Park District
- APD: Active Park District

Revised: February 2011, July 2011, August 2016, March 2017, August 2017
Updated for Roads & Parcels: September 2011, May 2016, September 2023, & July 2025

Amendment ZC-2017-1 is Hereby Adopted by the Russell Township Board of Trustees This 5th Day of July, 2017 Effective the 5th day of August, 2017

Updated for Roads and Parcels Only
This 11 day of May, 2026

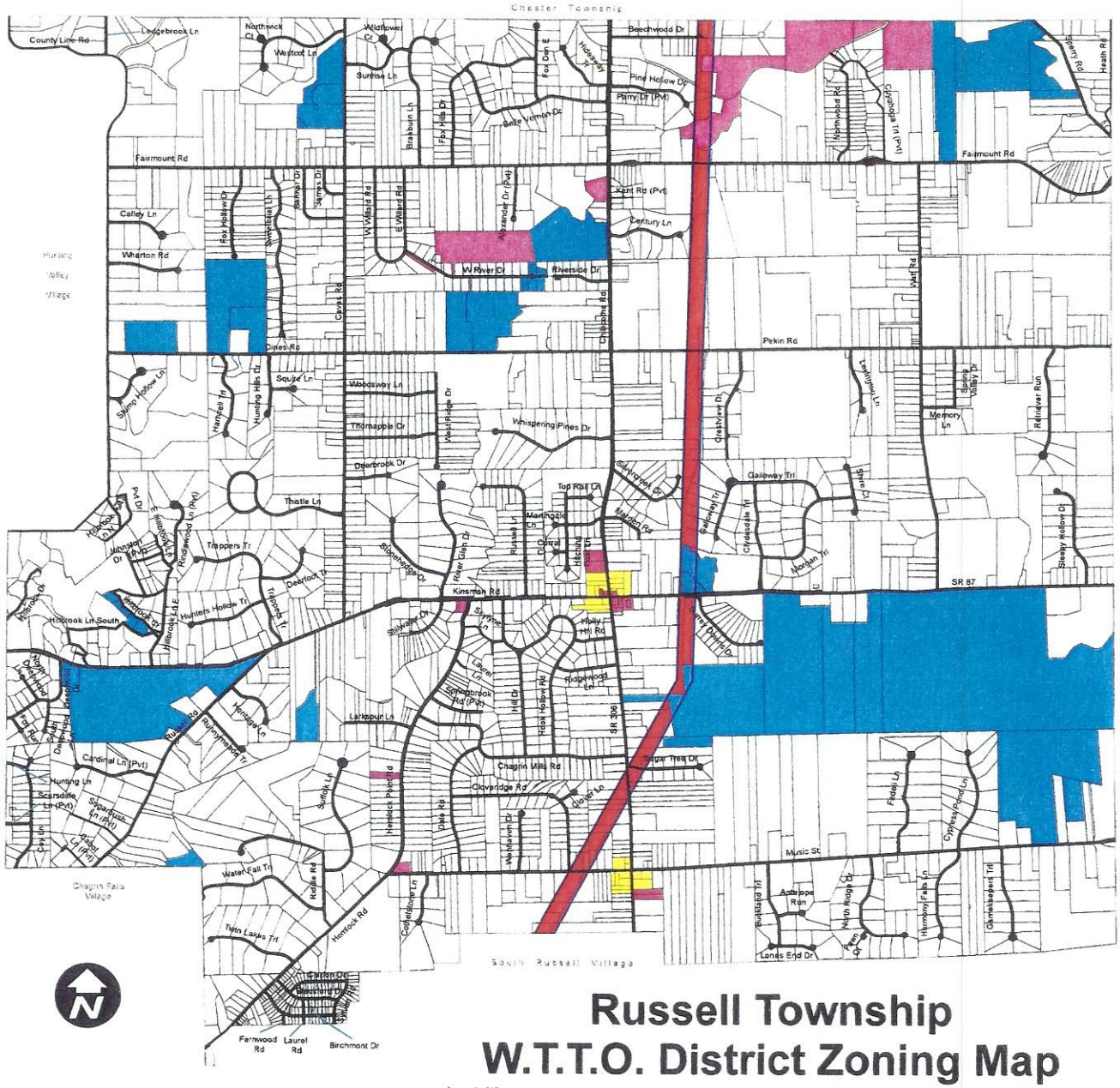
Christopher Hare, Trustee

Amy Heutmaker, Trustee

Kristina Port, Trustee

Karen Walder, Fiscal Officer

Disclaimer: This map was prepared by the Geauga County Planning Commission using local, state, federal, or other sources and Geauga County assumes no legal responsibility for the accuracy of this information. This map does not replace a field survey prepared by a licensed surveyor, deeds, easements, or other recorded legal instruments relating to the properties depicted.



Russell Township
W.T.T.O. District Zoning Map

- Owned or Controlled By Russell Township Trustees
- Electric High Tension Power Line Easement
- 100-Foot Area Adjacent to Power Line (Do Not Scale - Use Actual Measurement)
- Commercial Services or Office Building Zoning as Indicated on the Russell Township Zoning Map
- Publicly Owned Property Other than Property Owned or Controlled by Russell Township Trustees

Appendix "A"

WTTO - Wireless Telecommunication Tower Overlay District

This is the official WTTO District Zoning Map of Russell Township duly effective on April 19, 1997, and as amended to April 6, 2011 by amendment number 2011-3 effective on May 6, 2011.

This map shall be deemed a part of the resolution as if fully contained therein.

Lot lines and roads updated this 15 day of September 2011

James Dickinson, Trustee

James Mueller, Trustee

Krishna Port, Trustee

Geraldine Sleck, Fiscal Officer



Prepared by the Geauga County Planning Commission February 2011
Revised July 2011
Note:
The Geauga County Planning Commission does not warrant the accuracy of this map as it is not based upon a land survey

APPENDIX B

LIST OF AMENDMENTS

Effective Date	Subject
1971 Nov 7	Signs
1971 Nov 7	Accessory Use of Building
1971 Nov 7	Private Roads and Access Ways
1971 Nov 7	Definition of Building
1971 Nov 7	Height of Basement
1971 Nov 7	Conditional Use Certificates
1971 Nov 7	Permitted Modifications and Exceptions
1974 Jul 25	Create Zones of 3 and 5 Acre Minimum Size
1974 Aug 25	Rezone Fairmount Corners to Residential
1977 Jul 28	C-S Commercial Services, Define and Regulate
1977 Jul 28	Mobile Dwellings Prohibited
1977 Jul 28	Maximum Height of Buildings, Commercial Sales. Conditional Uses. Vehicle Regulations
1977 Jul 28	C-S Commercial Services, Relocate Boundaries
1978 Apr 2	C-S Commercial Services, Rezone Several Parcels to Residential
1979 Apr 15	Established Office Building Zone
1979 Apr 15	Amend R-1.5. R-3. R-5 Zones
1980 Apr 5	Regulate Gas and Oil Drilling
1981 Jul 30	Regulate Private Airstrips
1981 Jul 30	Regulate Cul-de-Sac Lots
1984 Jul 31	Define "Lot", "Lot of Record", "Non-Conforming Lot" and "Quorum"
1984 Dec 8	Political and Other Signs
1985 Apr 27	Amend Regulation of Gas and Oil Drilling
1988 May 26	Establish Parks and Recreation Zone
1988 June 1	Regulate Geothermal Heating Systems
1989 Nov 18	Amend Frontage in Office Building Zone
1990 Apr 24	Amend Boundaries and Regulate Use of Motor Vehicles in Park and Recreation Zone
1992 Dec 18	General Revision
1993 Apr 16	4.6A Non-Conforming Lots
1993 May 21	5.2B Dimensions for Pre-existing Lots of Record
1993 Dec 31	Map change in Passive Park District Zone
1995 Mar 31	4.8C Maximum Distance of Fence to Pool
1996 Jun 28	6.5D Amend Conditional Use Regulations re: Private or Commercial Recreational Areas
1996 Jun 28	2.2 Amend Definition of Agriculture
1996 Jun 28	4.11 Construction Signs; Garage/Yard Sale Signs
1996 Oct 18	5.2.A5 Amend Commercial Vehicle Weight
1996 Dec 20	Map change in Passive Park District Zone

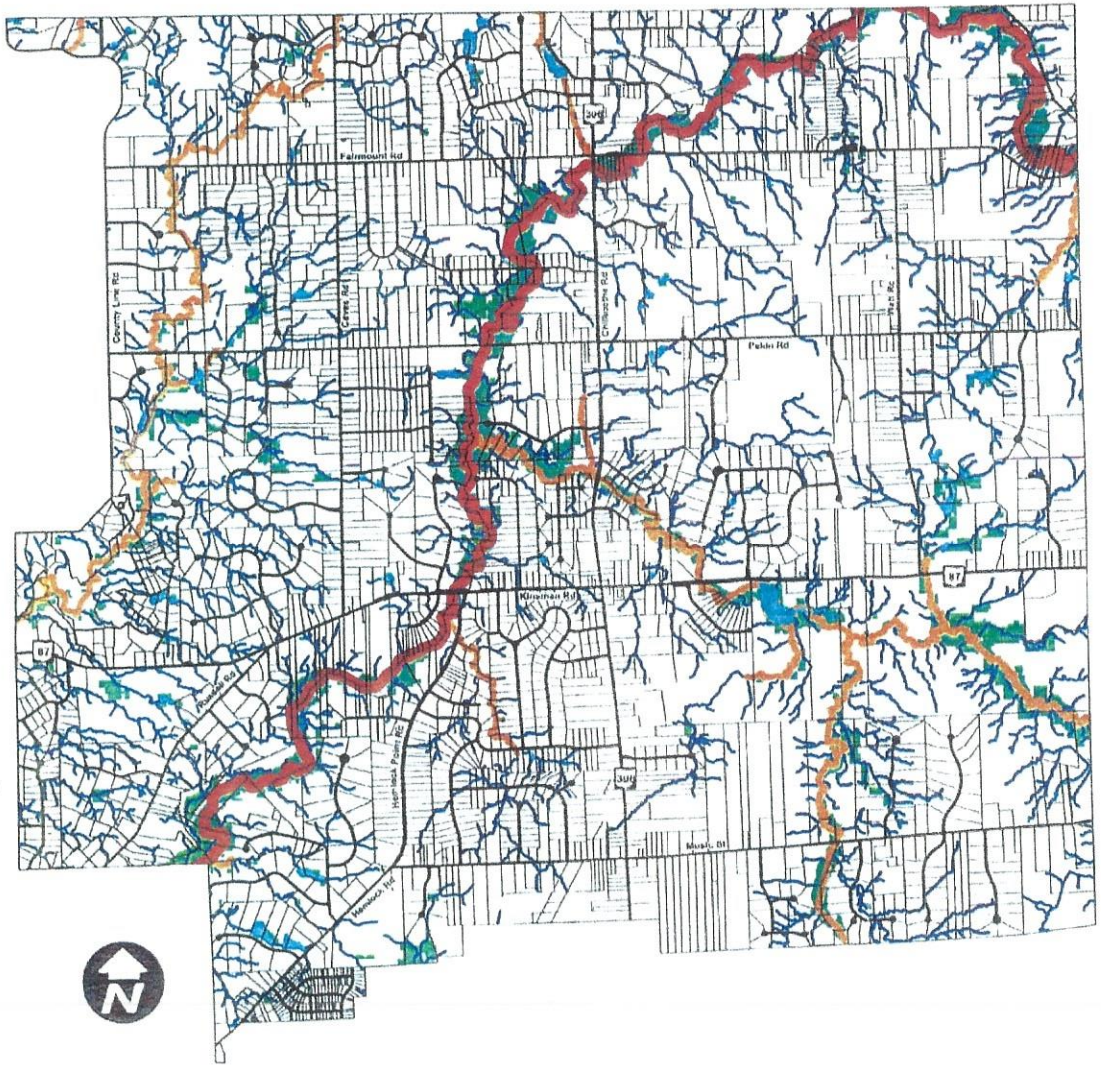
APPENDIX B LIST OF AMENDMENTS

Effective Date	Subject
1997 Apr 19	5.9 Creation of WTTO-Wireless Telecommunications Tower Overlay District
1997 Apr 19	Definition of "Structure"
1998 Jan 2	Map Change in Passive Park District Zone
1998 May 15	Definition of Area and Use Variances; 5.2.B Clarification of Corner lot Frontage; Section 9 - Board of Zoning Appeals
2000 Aug 18	Amend Section 7 - Nonconformance
2000 Sept 15	4.11A.4 & 4.11G.2 Housing Development Signs
2001 Feb 23	6.3 Amend Conditional Use Revocation
2001 Feb 23	12.1 Amend Fines
2001 Aug 31	4.12 Amend Geothermal Heating Systems
2002 Mar 8	5.9 Amend WTTO - Wireless Telecommunication Tower Overlay District
2002 Mar 22	5.5 Amend Passive Park District Zone; Map Change in Passive Park District Zone
2002 Nov 15	2.24 & 2.31 Definition of Impervious Surface & Lot Coverage, 5.2.B, 5.3.M & 5.4.M Maximum Lot Coverage
2003 Mar 21	4.11 Temporary Signs, 6.5H Billboard Signs
2003 July 4	5.5 Amend Passive Park District Zone, 5.6 Amend Active Park District Zone
2004 Apr 23	4.13 Water Management & Sediment Control; 4.11 Amend Temporary Signs
2004 July 3	4.7W & 4.14 Exterior Lighting
2004 Dec 31	4.8C Amend Private Swimming Pools
2005 Aug 19	4.7.K & 2.47 Self-Service Storage Facilities; 4.11.A.6 Amend Definition of Governmental Sign; 5.3.J & 5.4.J Amend Buffer Zones in C-S and O-B Zones
2005 Sept 2	6.5.A Amend Planned Residential Developments
2006 Mar 3	Map Change in Passive Park District Zone
2006 Nov 3	6.5.I Adult Oriented Businesses
2006 Dec 1	4.15 Fire Protection Ponds; 6.5.A.5.d Amend Planned Residential Developments; 9.19 Supplementary Conditions on Variances; 7 Amend Non-Conformance
2007 Feb 10	5.10 Creation of L-B Limited Business Zone and Map Change
2007 May 18	4.13 Replace Water Management & Sediment Control; Amend 8.4 Zoning Commission Meetings: Quorum and 9.5 Board of Zoning Appeals Meetings
2007 Oct 5	Amend Section 2 – Definition of Terms
2008 Feb 22	Regulate Riparian Setbacks: 4.16 & Appendix C and Amend 4.3 and Sect 2
2011 May 6	Repeal 4.7.T Prohibition on sales of alcoholic beverages; Amend 11.8 Amendments – Adoption by Trustees; Map Change to Passive Park District; Map Change to Office Building
2012 Aug 17	5.2.B Corner lot clarification; 10.15 Divisions of Land & Consolidation of Lots; 6.4.B Traffic Impact Study; Sect 2 Amend Definition of Family; Sect 2 and throughout ZR replace Clerk with Fiscal Officer

APPENDIX B LIST OF AMENDMENTS

Effective Date	Subject
2016 Aug 20	5.3.1 & 5.3.2 adding Commercial & Services 1 and Commercial & Service 2 to the Zoning Resolution and Zoning Map; Map changes from Residential to Passive Park District and from Passive Park District to Residential; Map changes from Commercial & Service to Limited Business
2016 Sept 16	6.5.J Conditional Use adding Retail Food Service
2016 Dec 16	Amend Section 4.6 Permitted Modifications and Exceptions, Section 5.2 Residential Zones and Section 7.5 Nonconforming Lots of Record
2017 Mar 18	4.7.X Prohibited Uses adding cultivation, processing, or retail dispensing of Medical Marijuana to prohibited uses in the Zoning Resolution
2025 Dec 20	Amended Resolution Book
2026 Nov 1	2.1 Words and Terms Defined, adding Electric Vehicle Definitions 3.2 Official Township Zoning Map 4.18 Electric Vehicle Charging Infrastructure

APPENDIX C



Russell Township
Geauga County, Ohio

Riparian Setback Guide Map
Appendix "C"

Setback

- 120 feet
- 75 feet
- 25 feet
- 2009 FEMA Floodplain/Wetlands
- Surface Water

Amendment No. 2007-4 Is Hereby Adopted By The Russell Township Board Of Trustees This 23rd Day of January, 2008.

James Dickinson, Trustee
James Mueller, Trustee
Kristina Port, Trustee

Effective The 22nd Day Of February, 2008.

Geraldine Heck, Fiscal Officer

Lot Lines, Roads, and FEMA Floodplains Updated This 16 Day Of November, 2009

James Dickinson, Trustee

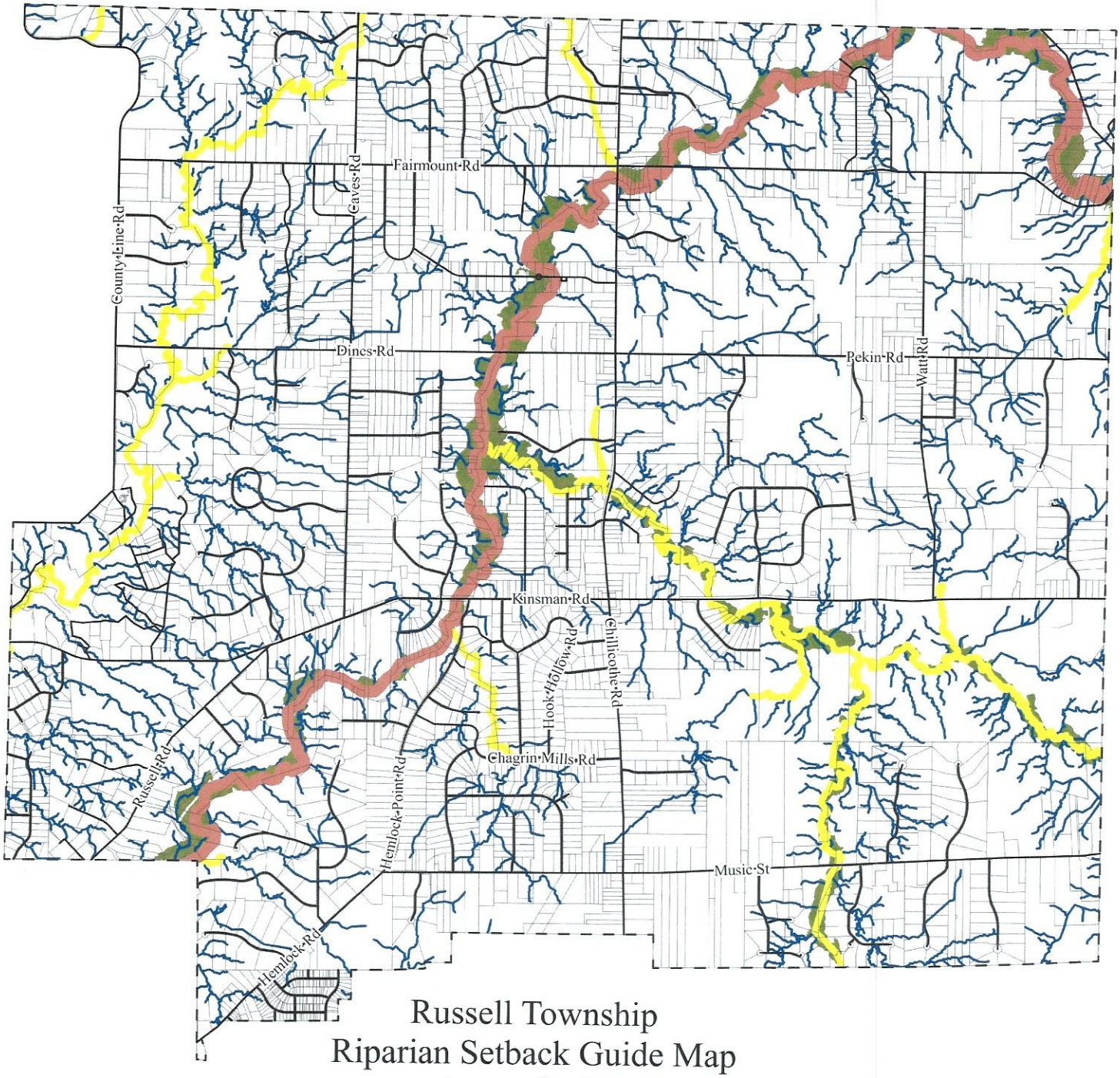
James Mueller, Trustee

Kristina Port, Trustee

Geraldine Heck, Fiscal Officer

0 1,500 3,000 6,000 Feet

Prepared by: Geauga County Planning Commission, August 2, 2007, version 1.2
Updated November 16, 2009
Source: Chagrin River Watershed Partners, Inc., Geauga County Auditor
Disclaimer: The Geauga County Planning Commission does not warrant the accuracy of this map. It is not based upon a land survey



Russell Township
Riparian Setback Guide Map
Appendix "C"

Legend

- 25ft Riparian Setback
- 75ft Riparian Setback
- 120ft Riparian Setback
- FEMA Floodplain
- Parcel Boundary

N
W E
S

Amendment No. 2007-4 is Hereby Adopted by the Russell Township Board of Trustees This 23rd Day of January, 2008
Effective the 22nd day of February, 2008.

Updated for Roads and Parcels Only this 11 day of May, 2026

Christopher Hare, Trustee

Amy Heutmaker, Trustee

Kristina Pott, Trustee

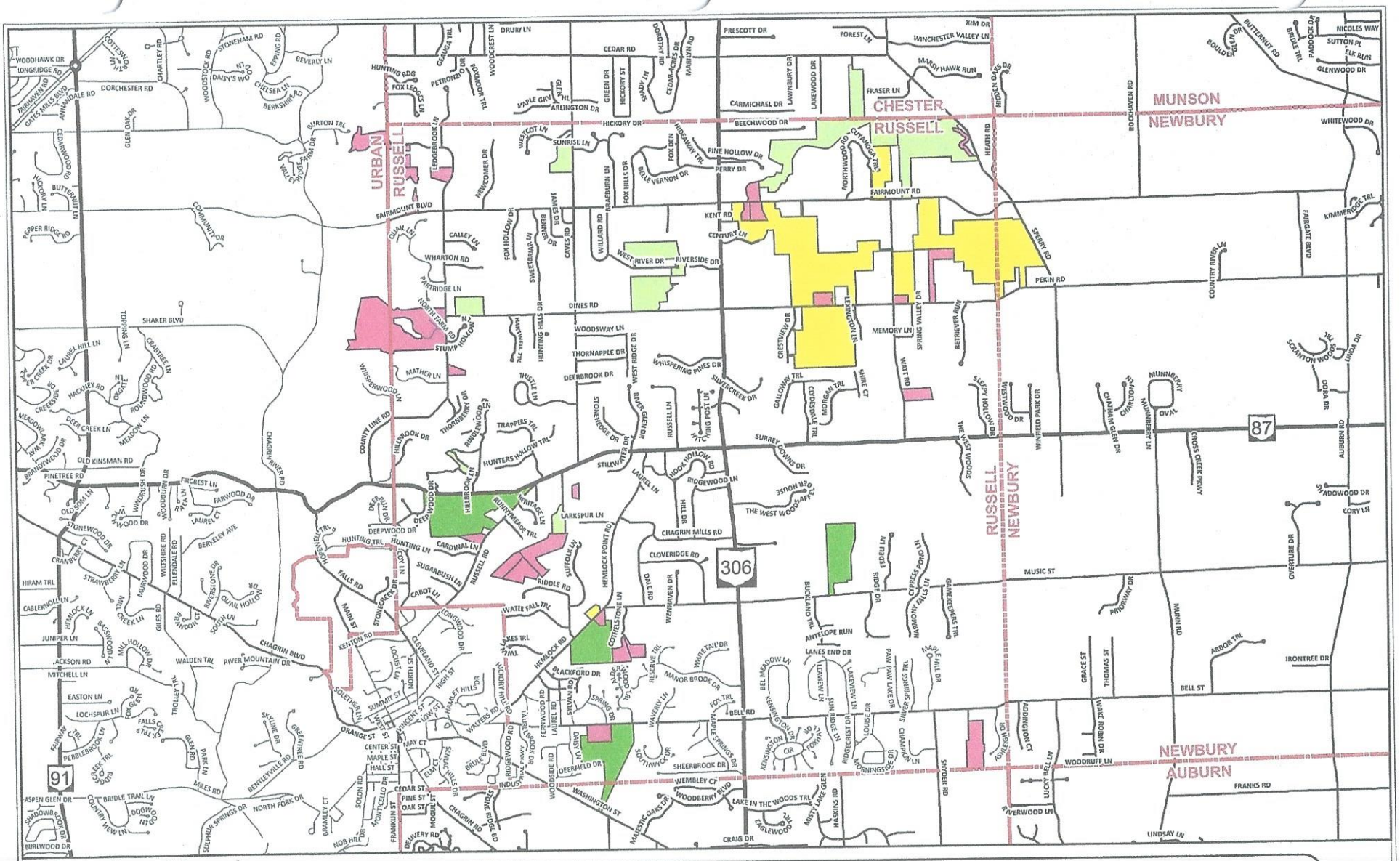
Karen Walder, Fiscal Officer

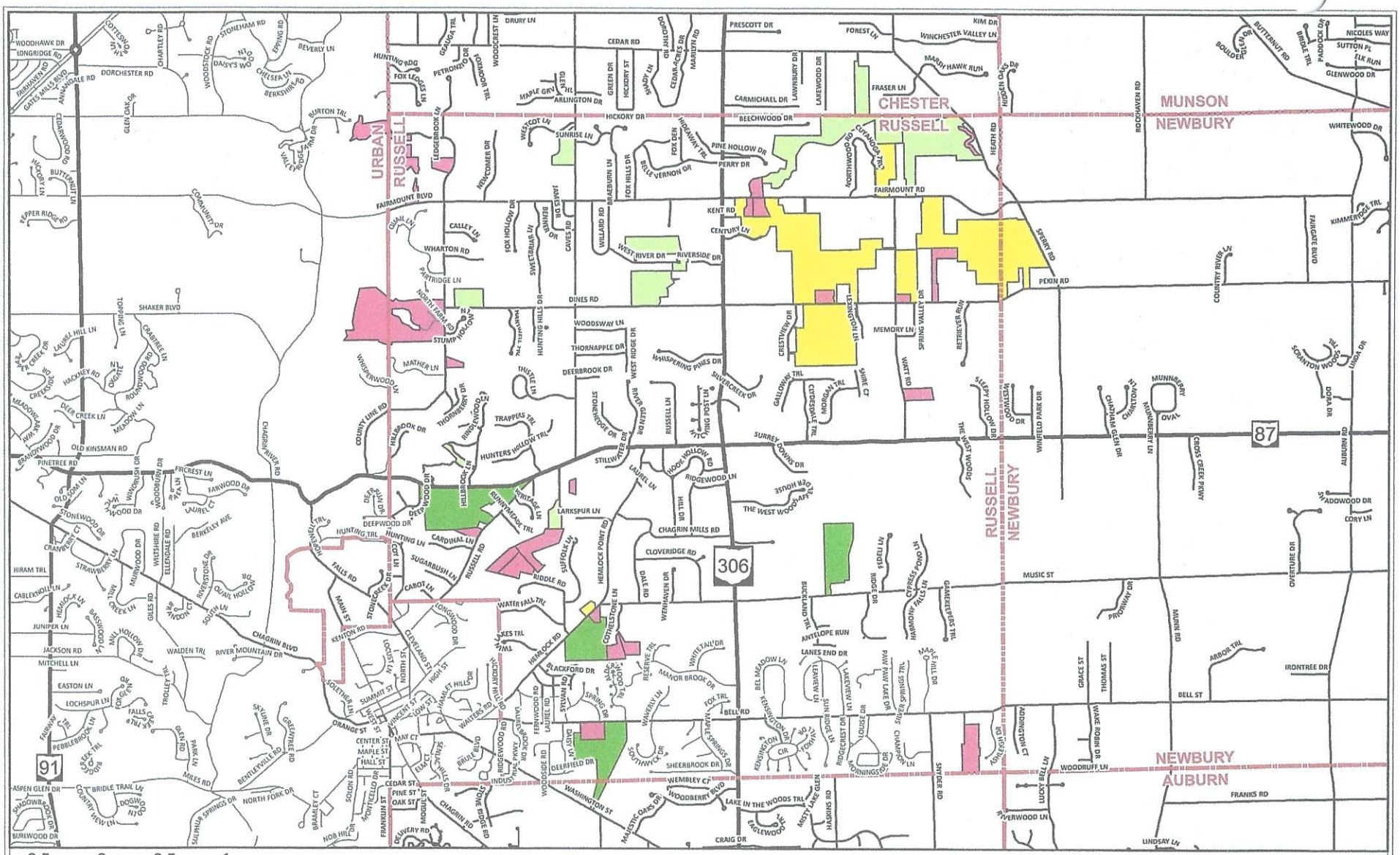
Adopted: August 2, 2007
Lot Lines, Roads, & FEMA Floodplains - Updated: November 16, 2009

Source: Chagrin River Watershed Partners, Federal Emergency Management Agency (FEMA), Geauga County Auditor

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APPENDIX D


URBAN
RUSSELL
CHESTER
RUSSELL
MUNSON
NEWBURY
RUSSELL
NEWBURY
NEWBURY
AUBURN
306
87
91
0.5 0 0.5 1
Miles
N
W
E
S
Western Reserve
Land Conservancy
land • people • community
Map Created 12/19/2024 sw
Properties Protected by WRLC in Russell Township
Private Farm
Public Park
Township Boundaries
County & Township Roads
Private Preserve
Publicly Owned Preserve
State Highways
Municipal Roads


URBAN
RUSSELL
CHESTER
RUSSELL
MUNSON
NEWBURY
RUSSELL
NEWBURY
NEWBURY
AUBURN
306
87
91
0.5 0 0.5 1
Miles
N
W E
S
Western Reserve
Land Conservancy
land • people • community
Map Created 12/19/2024 sw
Properties Protected by WRLC in Russell Township
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Public Park
Township Boundaries
County & Township Roads
Private Preserve
Publicly Owned Preserve
State Highways
Municipal Roads