

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 December 16, 2016

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SECTION 1 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, 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, yards and open space and other characteristics of future development within the Township, and hereby adopt and enact the following amendment and supplement to 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: 2015, Stewards of the Land.

SECTION 2 DEFINITION OF TERMS**2.1 Words and Terms Defined**

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

Accessory Use - A subordinate use which is incidental to the main use and which is of a nature or character generally associated with the main use or similar uses.

Accessory Building - A building which is used for an accessory use.

Agriculture - Includes farming; 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)

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.

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, 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.

Building - Any structure, except fences, affixed to or resting on the ground and designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

Building Height - The vertical dimension measured from the average elevation of the finished lot grade at the perimeter of the building to the elevation of the highest point of the building.

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.

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.

Conditional Use - A use within a zoning district other than a permitted use requiring approval by the Township Board of Zoning Appeals and the issuance of a conditional Zoning Certificate.

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

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

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

Cul-de-sac Lot - A lot, or some portion thereof, which fronts on the 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)

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 – Detention Pond means a dry pond. Runoff enters an area of detention faster than it leaves. A detention pond can be designed with or without a permanent pool of water. (Amended December 1, 2006 – Amendment No. 2006-2)

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

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.

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)

Family - One (1) or more persons related by blood, adoption, guardianship or marriage, living together, exclusive of live-in hired employees. A number of persons but not exceeding five (5) 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)

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)

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)

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.

Garage, Private - A building, or any part thereof, which provides for the storage of motor vehicles 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.

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, 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)

Home Occupation - A trade, profession or business conducted on residential property.

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)

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 Motor Vehicle - Any motor vehicle which is extensively damaged, in wrecked or worn out condition and/or is unfit for operation as a motor vehicle.

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

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)

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

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

A. Lot - A parcel of land considered as a unit, regardless of parcel designation, devoted or to be devoted to a certain use or occupied by a building or group of buildings and accessory uses that are united by common ownership, interest or use, and the open spaces belonging to the same, and conforming to the regulations for such district. The term "Lot" as used herein includes contiguous lots of record under common ownership, and may or may not coincide with a Lot of Record.

B. Lot of Record - Land designated as a separate parcel on a plat and/or map and/or deed in the records of the Geauga County Recorder and recorded as a separate unit on the tax rolls of the county. (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 and impervious surfaces. (Amended November 15, 2002 - Amendment No. 2002-1)

Lot, Frontage - The portion of a lot extending along a street line.

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.

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 - A building which in its dimensions, location, or use upon a lot does not conform to the regulations of this Resolution.

Non-conforming Lot - A Lot of Record existing at the date of the passage of this Resolution or any amendments thereto which does not have the minimum dimensions or contain the minimum area for the zone in which it is located.

Non-conforming Use - Use of a building or of land that does not conform to the regulations of the zone in which it is located.

Off-Street Parking Space - An off-street space 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)

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)

Public Uses - Any land, building, or facilities owned and operated or used by any governmental agency or authority, such as the township hall and garages, public schools, public parks, and similar uses.

Recreational Areas - 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, golf clubs, golf course and driving ranges, camps, picnic areas, bowling alleys, indoor theaters, fishing ponds, riding stables and similar uses and facilities.

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)

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

Riparian Setback – The real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations. (Amended February 22, 2008 – Amendment No. 2007-4)

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)

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.

Soil and Water Conservation District (SWCD) – the Geauga County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees. (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)

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 be no floor above, the surface of the ceiling above. A basement shall not be considered a story.

Street or Road - A vehicular right-of-way dedicated to public use; or, a vehicular right-of-way 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)

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.

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

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

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

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)

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 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 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 Map - The map established by and made a part of this Resolution which indicates the boundaries and limits of the zones 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. The word "shall" is mandatory, the word "may" is permissive, and the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

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

SECTION 3 ESTABLISHMENT OF ZONES AND ZONING MAP

3.1 **A. Designation of Zones** - 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 Zone
2. R-5 - Residential Zone
3. C-S-1 - Commercial and Services One Zone
4. C-S-2 - Commercial and Services Two Zone
5. OB - Office Building Zone
6. PPD - Passive Park District Zone
7. APD - Active Park District Zone
8. LB - Limited Business Zone

(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 zone or zones covered by the overlay district. Overlay District regulations shall control and supersede whenever they are inconsistent with the provisions of the underlying zone. 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 **Zoning Map** - The boundaries of the aforesaid zones and overlay districts are set forth as indicated on the Zoning Map dated July 18, 1967, and amended from time to time. The most recent map, which is on file in the Zoning Inspector's office, shall be in effect at all times. Said map shall be known as the "Russell Township Zoning Map" and is hereby decreed to be a part of this Resolution. Such map shall be designated as "Appendix A" of this Resolution. Each zone and overlay district shall be established as shown on the Zoning Map.

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 Zone and Overlay District Boundaries** - Where uncertainty exists as to any of said boundaries as shown on said map, the following rules shall apply:

- A. Zone and overlay district boundary lines are intended to follow the center line of the streets, railroad rights-of-way, and lot or property lines as they exist on county tax maps and plats of record at the time of the passage of this Resolution, unless such zone or overlay district boundary lines are fixed by dimensions shown on the Zoning Map.
- B. Where such boundaries are not fixed by dimensions and where they approximately follow the lot lines, and where they do not scale more than twenty-five (25) feet distant therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- C. Where a zone or overlay district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

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.

4.1A Amendment and Repeal

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.

4.1B Separability 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 separable.

4.2 Applicability of Regulations

No building shall hereafter be erected and no existing building 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

- 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 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 nonresidential 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.

4.5 Cul-de-sac Provisions

- A. Cul-de-sac streets shall have a permanent turn-around with an outside pavement diameter of at least 110 feet if solidly paved or a diameter of 120 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. 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 non-conforming lot may be used as a lot for any purpose permitted in the zone, 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, if used for non-commercial purposes, provided that such buildings comply with all applicable front yard, side yard, and rear yard restrictions for the use district, and further provided that such buildings do not exceed eighty (80) square feet in floor area and eight (8) feet in height:
- ... Animal shelters
 - ... Outdoor fireplaces and barbecue pits
 - ... Tool sheds
 - ... Children's play houses
 - ... Greenhouses
 - ... Gazebos
 - ... Unroofed platforms and patios
 - ... Above-ground swimming pools, not exceeding three (3) feet in height
 - ... Pump houses

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

4.7 Prohibited Uses

- 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 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 setback, 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 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.

Further, the outdoor storage or accumulation of junk motor vehicles or parts of a junk motor vehicle, so that such vehicle or parts are visible from any public road or adjoining property, unless screened by means of buildings, fences, or other suitable permanent obstructions so as not to be visible, shall not be permitted in the Township.

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 operations shall not be permitted within the Township.
- E. The regular 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.
- 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.

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- 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. 17)
- 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. 17)
- 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. 17 and August 19, 2005 - Amendment No. 2005-1)
- L. No commercial food preparation or warehousing, except as provided in Section 6.5.J, 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. 17)
- 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)

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- 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.
- W. 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)

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

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.

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 and Public Utilities

In accordance with Section 519.21 of the Ohio Revised Code, nothing in this Resolution shall be deemed to prohibit the use of any land for agricultural or public utility purposes. No zoning certificate shall be required for:

- A. The construction or use of buildings for agricultural purposes, provided that such uses in no way constitute a hazard to public health or safety, except that agriculture may be regulated under this Resolution in platted subdivisions approved in accordance with section 519.21 O.R.C.; or
- B. The erection, construction, alteration, change, or use 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. Nothing in this section, however, shall be deemed to relieve any building used for dwelling purposes within the Township from all provisions of this Resolution.
- C. Any such building shall conform to all the setback requirements for the zone in which it is located subject to prevailing State law.

4.11 SIGNS

A. Types of Signs

1. "Billboard" means an outdoor advertising device which advertises an activity, service or product located on a lot other than a lot at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or individual for the purpose of selling advertising messages for profit. A billboard is an "off-premises" sign. (Amended March 21, 2003 - Amendment No. 2002-3)
2. "Bulletin board" means an announcement which directs attention to the name of the business or establishment, the goods or commodities produced and/or sold, and/or the services rendered on the premises upon which such sign is located, and is so designed that characters, letters or illustrations can be changed or re-arranged without altering the basic face or surface of the sign.
3. "Business or professional" means a sign which directs attention to the name of the business or establishment, the goods or commodities produced and/or sold, and/or the services rendered on the premises upon which such sign is located.
4. "Development" means a sign indicating the name, address and/or occupants of a residential housing development or subdivision. (Amended September 15, 2000 - Amendment No. 2000-2)
5. "Directory" means a sign on which the names and locations of occupants and/or use of the building is given.
6. "Governmental" means a sign located or erected by a political subdivision pursuant to law and serving an official function such as traffic control. (Amended 08/19/05 - Amendment No. 2005-2)
7. "Nameplate" means a sign indicating the name and/or address of the occupant of the premises.
8. "Real estate" means a sign directing attention to the promotion, development, rental, sale or lease of real property.
9. "Construction" means a sign indicating the name of a business and directing attention to a site where actual work of construction, alteration, maintenance, or repair of a building, structure or landscaping on the lot is taking place pursuant to a contract between the landowner and the business named. (Amended June 28, 1996 - Amendment No. 96-3)

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10. "Temporary" means a sign intended to draw attention to a particular noncommercial event or occurrence including but not limited to elections, issues, festivals, garage and yard sales, auctions, civic events, fundraising events, residential picnics or parties and the like. Such signs shall not include commercial advertising signs which are intended to publicize or promote particular businesses or products. (Amended March 21, 2003 – Amendment No. 2002-3)

B. Designs of Signs

1. "Flat or wall" means a sign painted on or attached to and erected parallel to the face of and erected and confined within the limits of, the outside wall of a building and supported by such wall and which displays only one (1) advertising surface or face.
2. "Freestanding" means any temporary mobile or portable sign or sign structure not securely or permanently attached to the ground or to a building.
3. "Ground" means a sign supported by one (1) or more upright poles, braces or a permanent foundation and which is entirely independent of any building for support.
4. "Projecting" means a sign extending beyond the vertical surface or plane of the exterior wall of a building to which such a sign is attached.
5. "Roof" means a sign erected upon the roof of a building, all surfaces of which are located above the roof surface and do not project beyond any exterior wall of the building on which located.
6. "Window" means a sign painted on, attached or affixed to the interior surface of a window or door of a building intended to be seen from the exterior.

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 premises so as to cause glare or reflection that may constitute a traffic hazard, nuisance or distraction.

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2. No sign shall include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
 3. No sign shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window providing access to any fire escape or exit.
 4. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.
 5. No sign shall be placed within any public right-of-way except governmental signs.
 6. 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 which 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.

E. Governmental Signs Exempted

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

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:

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1. One (1) real estate sign per lot, dwelling unit or use with a maximum area of five (5) square feet per sign face in a residential district and thirty-two (32) square feet per sign face in a commercial/office building district which advertises the sale, lease or rental of the premises upon which such sign is located. Real estate signs must be removed within ten (10) days after the property is sold or leased.
 2. One (1) real estate development sign per subdivision with a maximum area of thirty-two (32) square feet per sign face which advertises the sale of lots in the subdivision upon which such sign is located. Such signs must be removed after the sale or lease of the last lot in the subdivision.
 3. One (1) nameplate sign per lot, dwelling unit or use with a maximum area of five (5) square feet per sign face indicating the name and addresses of the owners or occupants of the premises.
 4. Directional (entrance and exit) signs on private property with a maximum area of four (4) square feet per sign face and containing only directional information.
 5. Temporary signs shall be unlighted and may have a maximum area of sixteen (16) square feet. No sign may be in place more than thirty days but a sign must be removed immediately if it becomes damaged or defaced. Temporary signs which announce or call attention to a particular event must be removed within 24 hours after the end of the event. Temporary signs may only be erected with the permission of the owner of the premises. No temporary sign shall be erected within a public 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)
 6. Window signs shall not exceed twenty (20) square feet.
 7. One construction sign for each contractor on a single lot where the actual work is taking place, not to exceed six (6) square feet in area per sign face, which must not be erected until actual work commences, may be maintained only while the work is actually in progress, and must be removed within 24 hours after the work is effectively completed. (Amended June 28, 1996 - Amendment No. 96-3)

G. Signs Permitted in the Residential Zoning District (see also Section F)

1. Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:
 - a. Each residential dwelling may be permitted only one (1) of the following

signs on the premises: wall or ground.

- (1) Wall signs shall have a maximum area of five (5) square feet.
 - (2) Ground signs shall have a maximum area of five (5) square feet per sign face.
2. Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted or structurally altered in the residential zoning district upon the issuance of a zoning certificate and subject to the following limitations:
- a. Professional signs for home occupation.
 - b. Bulletin board signs.
 - c. Business signs for permitted agricultural uses.
 - d. One (1) development sign located at each street entrance to a housing development or subdivision, each such sign not exceeding thirty (30) square feet in area on any face. (Amended September 15, 2000 - Amendment No. 2000-2)

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 limitations:
- a. Each commercial, office building or limited business may be permitted one (1) of the following signs on the premises: wall or projecting.
 - (1) A wall sign shall have a maximum area of fifty (50) square feet.
 - (2) A projecting sign shall have a maximum area of ten (10) square feet per sign face and shall not extend more than four (4) feet measured from the face of the building to which such sign is attached.
 - b. In addition to a wall or projecting sign, each commercial, office building or limited business may be permitted one (1) ground sign on the premises. Such sign shall not exceed sixteen (16) square feet per sign face in area.
 - c. In lieu of the permitted ground sign in paragraph b above, one (1) or more groups of commercial or office building uses within the same building or structure or located on the same lot may be permitted one (1) directory sign

for all uses. Such signs shall have a maximum area of twenty (20) square feet per sign face.

2. Only the following types of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial, office building and limited business zoning districts upon the issuance of a zoning certificate and subject to the following limitations:
 - a. Bulletin board signs.
 - b. Business or professional signs.
 - c. Billboards shall be classified as a conditional use and shall be subject to the procedures and general conditions set forth in Section 6. (Amended March 21, 2003 - Amendment No. 2002-3)

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. Ground signs shall have a maximum height of six (6) feet in the C-S-1, C-S-2, O-B and LB zones and five (5) feet in R zones.

K. Minimum Yard Requirements

1. Ground signs shall have a minimum setback of ten (10) feet from the front lot line.
2. Ground signs shall have a minimum setback of ten (10) feet from the side lot lines.

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

When geothermal heating systems are installed within 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 permit 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 insure 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 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 (WMSC) Plan 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.
2. WMSC Plans are not 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 less than three hundred (300) square feet of area.
3. The contents of the WMSC Plan shall meet all requirements and recommendations for erosion and sediment control and storm water management contained in the most recent version of the Geauga County Water Management and Sediment Control Regulations.
4. If the site owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with Ohio EPA's NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate WMSC Plan. In

situations of conflict between OEPA requirements and these requirements, the most restrictive shall prevail.

5. The Zoning Inspector shall review the WMSC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within thirty (30) days after receipt of the Plan. The Zoning Inspector shall advise applicants that the WMSC Plan may be forwarded to the Geauga Soil and Water Conservation District (GSWCD) for technical assistance and review. 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.
6. Any soil disturbing activity shall not begin and a zoning certificate or a conditional zoning certificate shall not be issued without a WMSC Plan approved by the Zoning Inspector.
7. 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.
8. Failure to comply with the conditions of an approved WMSC Plan shall be a violation of this regulation.

B. Compliance with State and Federal Regulations

1. Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, and/or county agencies. Such permits and/or approvals shall be obtained before any zoning certificate or conditional zoning certificate is issued or a WMSC Plan is approved. If requirements vary, the most restrictive requirement shall prevail.
2. Soil disturbing activities regulated under these regulations shall not begin until proof of compliance with all necessary state and federal permits as detailed below has been provided. These permits may include, but are not limited to, the following:
 - a. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter

for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.

- b. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification approval, public notice, or a letter from a qualified professional who has surveyed the lot explaining why Section 401 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the Zoning Inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time an application is made under this regulation.
- c. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit approval or a letter from a qualified professional who has surveyed the lot explaining why the Ohio EPA Isolated Wetland Permit is not applicable. Such a letter shall be noted on site plans submitted to the Zoning Inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time an application is made under these regulations.
- d. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineers Nationwide Permit Program. This shall include one of the following:
 - 1. A letter from a qualified professional who has surveyed the site explaining why Section 404 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the Zoning Inspector.
 - 2. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations.
- e. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.

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. Such exterior lighting fixtures shall be installed so that they operate at all times as full cutoff fixtures as defined in this Resolution. Light fixtures producing light directly from the combustion of fossil fuels such as natural gas or kerosene are not required to be a full cutoff fixture.

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.

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.
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.

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- 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.

SECTION 5 ZONE 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 zones:

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 zone covers the area designated in Section 3, Establishment of Zones, and shown on the Zoning Map.

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

5.2 Residential Zones

The following regulations shall apply to each Residential zone as indicated:

A. Use regulations applicable to all residential zones:

1. Permitted uses

- .. A single one-family dwelling per lot
- .. 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.

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.
- .. Private garages
- .. 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.

3. Conditional uses

- .. Planned residential developments
- .. Parochial or private schools, philanthropic, and charitable institutions and organizations
- .. Churches

-
- .. Private or commercial and recreational areas and facilities
 - .. Restricted research and administrative office campuses
 - .. Billboards on any land used for agricultural purposes
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 6,000 pounds net weight, 20 feet in length nor 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)

B. Dimensions which apply to lot size and building placement in residential zones:

| | Pre-Existing Lots of Record Under 3 acres in R-3 or R-5 Zone**** | R-3 Zone | R-5 Zone |
|-------------------------|--|--|--|
| Minimum Lot Area* | 60,000 sq. ft. | 130,680 sq. ft. 3 acres | 217,800 sq. ft. 5 acres |
| Minimum Lot Dimensions | | | |
| Width | 150 ft. | 250 ft. | 300 ft. |
| Depth | 200 ft. | 225 ft. | 275 ft. |
| frontage** | 100 ft. | 250 ft. | 300 ft. |
| Minimum Yard Dimensions | | | |
| front depth | 70 ft. | 100 ft. | 125 ft. |
| rear depth | 25 ft. | 75 ft. | 100 ft. |
| side width*** | 30 ft. | 50 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.

5.3.1 **C-S-1 Commercial and Services One Zone** – 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 Zone 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, 1977 - Amendment No. 16)
- 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
 - .. Private or commercial recreational facilities
 - .. Gasoline service stations and service garages. Service stations primarily devoted to servicing trucks shall not be permitted.
 - .. Restricted research and administrative office campuses
 - .. Billboards
 - .. Adult oriented businesses
 - .. Retail Food Service within the 208 service plan area approved by the Township Trustees
- 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 (100) 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 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 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, 1977 - Amendment No. 16)
- 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, 1977 - Amendment No. 16)
- 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, 1977 - Amendment No. 16)
- 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 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 (10) 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 (15) foot minimum width at the road right-of-way, sufficient to prevent vehicular use between the defined driveways. (Amended June 27, 1977 - 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, 1977 - 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 Zone – 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 Zone 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, 1977 - Amendment No. 16)
- 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
 - .. Private or commercial recreational facilities
 - .. Gasoline service stations and service garages. Service stations primarily devoted to servicing trucks shall not be permitted.
 - .. Restricted research and administrative office campuses
 - .. Billboards
- 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 (100) 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 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 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, 1977 - Amendment No. 16)
- 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, 1977 - Amendment No. 16)
- 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, 1977 - Amendment No. 16)
- 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 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 (10) 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 (15) foot minimum width at the road right-of-way, sufficient to prevent vehicular use between the defined driveways. (Amended June 27, 1977 - 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, 1977 - 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 Zone** - In order to provide a buffer zone between certain areas of the C-S Commercial Services Zone 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 Zone which are not deemed suitable for residential use, the O-B Office Building Zone 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 Zone. (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 setback, 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 (100) 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 waste water disposal system as required.
- 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 (10) 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 (15) 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 Zone.

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 publics knowledge of the areas ecosystem; and,
- To educate the public with respect to the preservation of natural habitats.

The uses of property in such 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 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.
- .. 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
- .. similar uses authorized by the Zoning Board of Appeals.

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, drain pipes 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 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 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 soil and sedimentation regulations.
9. All proposed regulations to 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 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 permit 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 Zone.

The Active Park 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 District, this District recognizes that certain outdoor activities require modification and alteration of natural terrain and disturbance of natural habitat. The Active Park 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 District on the Township Zoning Map shall comply with the following regulations:

A. Permitted Uses:

- .. ballgames, 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 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 District.

C. Prohibited Uses:

The following uses, though not exclusive, are specifically prohibited within an Active Park 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 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 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 soil and sedimentation regulations.
9. All proposed regulations 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 District:

- A. These standards shall apply to all property located in the Active and Passive Park 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 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 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 District itself and shall be designed and placed so as to minimize the visual and ecological impact upon the Park 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.

7. 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 comply 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 1509, 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 alteration. 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 impoundments 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 (100) 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.

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- (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.

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- (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 (10%) 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 (10,000) 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 (1,000) 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 (150) 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 (180) 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 (180) 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.

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- 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 (14) 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 District.
(Amendment 97-1, April 19, 1997)

The Wireless Telecommunication Tower Overlay 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 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 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 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 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 District or OB-Office Building 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 Zoning 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 District or Active Park 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.
- b. The owner or operator shall be required, as a condition of issuance of a zoning certificate, to post a cash or surety bond acceptable to the Board of Township Trustees of not less than \$100 per vertical foot from natural grade of the wireless telecommunication tower which bond shall insure that an abandoned, obsolete or destroyed wireless telecommunication antenna or tower facility shall be removed within six (6) months of cessation of use and abandonment. Any successor-in-interest or assignee of the owner/operator of the facility shall also post such a bond.

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 scintilla 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 Zone

(Amendment No. 2006-1 - February 10, 2007)

The L-B Limited Business Zone 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 including 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.

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- .. 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 facilities
 - The design, location, and orientation of loading facilities shall be accurately indicated on a site plan.
 - The hours of loading activities, noise impacts, nature of vehicles shall be accurately stated.
 - Such loading facilities 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
- .. Churches
- 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.

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- 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 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 territory included in this Zoning Resolution, without obtaining a conditional zoning certificate and no such zoning certificate shall be issued unless the plans for the proposed building, structure, or use fully comply with this Zoning Resolution.
- B. Contents of Application for a Conditional Zoning Certificate:

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

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

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

All completed applications for a conditional zoning certificate shall be submitted to the Township Zoning Inspector and shall include, at a minimum, the following information:

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

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- k. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 - l. For commercial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
 - m. The location and dimensions (in feet) of any existing or proposed easements on the property.
 - n. Topographical data indicating contours at five (5) foot intervals, existing and proposed.
 - o. Location of water courses, trees, and wooded areas and other natural features, existing and proposed.
 - p. A written statement signed by the applicant stating all uses included in the proposed plan, and including any other pertinent information.
 - q. And other reasonable information as the Zoning Board of Appeals may from time to time require, such as, but not limited to, drainage patterns, groundwater availability, wetlands, and traffic impact studies.
 - r. Architectural drawings indicating floor plans, elevations, basic building materials, and colors shall be submitted with all nonresidential uses.
 - s. Water Management and Sediment Control Plan as set forth in Section 4.13. (Amended April 23, 2004 – Amendment 2004-1)

10. 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 Board of Zoning Appeals 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.
- E. Any of the conditions set forth in the conditional zoning certificate are violated.

The Board of Zoning Appeals shall notify the holder of the conditional zoning certificate by certified mail of its intent to revoke said certificate and his right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke 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 by the Board of Zoning Appeals, 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 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.
- J. 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 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 be 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 lots which would otherwise be permitted, assuming that ten (10) percent of the area would be required for streets.
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 lands, 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 lots 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 setting 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

..Each Side Yard shall be not less than thirty (30) feet

..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 zone and less than five (5) acres in an R-5 zone, the impervious surface shall remain the ten percent (10%) allowed for minimum lot areas of 3 and 5 acres respectively, as set forth in Section 5.2.B.

The minimum building setback from an existing perimeter road shall be one hundred (100) feet, and the minimum building setback from the 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.

Proof of compliance with applicable regulations pertaining to sewage treatment shall be provided.

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 approval of plans for such uses may be made for and within the Residential Zone 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 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 zone in which the proposed use is located, except as may be specifically modified by the Zoning Board 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 the general safety or welfare.

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 approval of plans for any such uses may be made for land within any zone within the Township 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.
..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 line and shall be screened from adjacent uses.

10. Height limitations shall be the same as specified for the zone in which the proposed use is to be located, except that modification may be made upon specific permission of the Zoning Board 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 the safety and general welfare.

6.5. D. Private or Commercial Recreational Areas
(Amended June 28, 1996 – 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 zone within the Township 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. The proposed use shall have a lot of not less than fifty (50) acres, except golf clubs and country clubs shall require a minimum of one hundred (100) acres if the golf course is only nine (9) holes, and one hundred and sixty (160) acres in the event there are eighteen (18) holes for the golf course, and for every additional nine (9) holes thereafter there shall be not less than sixty-five (65) additional acres. Any reference to regulations or standards applicable to golf courses shall also equally apply to any country club, which is deemed to include one or more golf courses as part of the country club facilities.
3. Building coverage shall not exceed twenty-five (25) percent of the total lot area, exclusive of that portion of the lot area used for golf courses, riding trails, and similar outdoor activities.
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 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.

6. 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.
7. 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 or property line.
8. 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
 - ..Each side yard shall be not less than one hundred (100) feet
 - ..The rear yard shall be not less than one hundred (100) feet
 - ..Clubhouses, restaurants, dining halls, lodges, and similar facilities shall be not less than five hundred (500) feet from any property line.
9. Height requirements shall be the same as are specified for the zone in which the proposed use is located, except as may be specifically modified by the Zoning Board in unique and special cases.
10. 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 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 of 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 building 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 (as hereinafter defined) are being employed to protect natural resources. In the case of golf courses and country clubs, the following yard requirements shall apply:

- A. All greens and tees shall be located at a minimum distance of two hundred (200) feet from the centerline of any street.
 - B. The outer edge of any driving range shall be at least two hundred (200) feet from any front, side or rear lot line and the driving range shall be so designed and laid out so the persons utilizing the driving range are aiming towards the interior of the lot rather than towards any lot line.
 - C. The parking lot setback from any front, side or rear yard shall be a minimum of one hundred (100) feet. A landscape buffer of the parking area will be required with grass and permanent year round vegetation maintained in good condition.
 - D. All driveways accessing any street shall have a minimum width of twenty-four (24) feet.
- 11. Adequate provision shall be made for screening and fencing of any uses or activities (such as swimming pools, golfing, practice ranges, and similar uses) which may in any way constitute a hazard to safety or the general welfare, in order to prevent uncontrolled access and provide protection to adjacent properties from such uses or activities.
 - 12. 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, or morals of the Township.
 - 13. 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.

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14. 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 clubhouse, maintenance building, food serving facility or storage building.
 15. Accessory buildings or uses for golf courses and country clubs shall be permitted as follows:
 - A. A clubhouse designed to serve the needs of members only shall be permitted which may include lockers, showers, food serving facilities, meeting rooms and a health club. The facility shall not be designed or used as a catering facility for the general public.
 - B. A pro shop shall be permitted to allow the retail sale of golf, and for tennis equipment, if there are tennis courts on the recreational area, and to store golf bags for members.
 - C. Storage buildings for equipment for maintenance and operation of a golf course shall be permitted.
 - D. Accessory recreational and fitness facilities such as a driving range, tennis courts, paddle ball, handball, racquetball, squash courts, and fishing facilities shall be permitted.
 - E. A swimming pool and wading pool shall be permitted so long as they are enclosed by a six (6) foot fence within fifty (50) feet of the perimeter of the pool.
 - F. Indoor and outdoor tennis facilities and lockers, showers and food serving facilities shall be permitted.
 - G. Any clubhouse, storage building, or recreational facility or building intended to be available for use in conjunction with the golf course or country club, and included in the initial proposal submitted to the Township and approved as part of the Conditional Use Permit, including any recreational facility or building utilized for retail sale of golf and/or tennis equipment shall be constructed and completed during the same time period that the golf course is being constructed and shall be available for use at or prior to the time the golf course is

ready for use.

- H. Any portion of a golf course which crosses a public road shall provide safety signs to warn motorists of golf course crossing and shall also warn the users of the golf course to yield the right-of-way to motorists on public roads.
16. In order to maintain natural site features, habitats, environmentally sensitive areas such as wetlands, forest buffers and the like, and to minimize the impact of any golf course upon the Township, the golf course shall be designed, constructed and used to accomplish the following construction standards:
- A. Select sites which minimize the need to alter natural landscapes or remove trees and vegetation, and provide opportunities for valuable habitat restoration and enhancement.
 - B. Avoid alteration of natural rock outcroppings, riparian areas and other sensitive or critical habitat or environmental features through careful course design and preservation in permanent open space.
 - C. Design the course for restoration and enhancement of habitats located on the golf course or adjacent to the golf course.
 - D. Utilize restoration and replanting to re-establish corridors and linkages between fragmented habitat areas where possible. Identify and avoid natural habitats in communities of special value to threatened and endangered species.
 - E. Retain and protect unaltered drainage courses and streams supporting existing natural vegetation to insure the overall integrity of the habitat area.
 - F. Use surface drainage design and vegetated buffer strips of sufficient width to mitigate impact to riparian corridors and other significant habitat areas from runoff from managed turf grass areas, paved areas and other golf course facilities.
 - G. Design bridges to minimize alteration of stream environments and use free-span designs where possible. Do not establish drain lines directly to water bodies or other environmentally sensitive areas, and provide for adequate buffers and treatment of water before discharge of the

water to such water bodies and other environmentally sensitive areas. Preserve the maximum amount of interior habitat areas and the design of the course and related facilities and structures should avoid clusters or significant stands of trees where possible.

- H. When tree removal is necessary, tree species that are native to Northern Ohio should be replanted at a ratio of 1:1, at a minimum, for each tree removed.
- I. Establish barriers, curbs, and fencing to discourage golf cart and pedestrian travel off paved or graveled paths within sensitive habitat areas. Provide signage designating sensitive habitat areas which shall be located around the edges of such habitat.
- J. Present a plan to the Board of Zoning Appeals to show the employment of established best management practices to control non-point source (storm water) runoff pollution during construction and use of the golf course.
- K. Design an overall drainage system to insure there is no increase in the amount of velocity of off-site surface water flows.
- L. Employ grease traps and other approved technologies at the time of construction for facilities such as golf cart maintenance or wash areas for maintenance facilities to prevent untreated runoff of surface water. Utilize a drainage design and buffers of natural areas between the managed turf grass and aquatic resources to minimize adverse impacts of runoff of pesticides, nutrients, chemicals, and surface water into the aquatic resources. Buffers should take into consideration the slope and distance to aquatic resources.
- M. The golf course turf grass shall be selected to utilize drought, pest and disease resistant grass species and/or cultivars for fairways, roughs, tees and greens.
- N. In areas where there are substantial ground water aquifer discharge areas, a drainage system shall be designed and utilized to incorporate detention and/or retention ponds to store surface water runoff for later use in irrigation of the golf course.
- O. The plumbing fixtures in the recreational use buildings, clubhouse, storage and maintenance building shall be designed to utilize low-

flow water fixtures to minimize use of potable water supply on the site of the golf course facility.

- P. The facilities shall provide for secondary access to and from the golf course facility where primary access may become temporarily inaccessible.
- Q. All construction activities of the golf course, and all buildings and structures thereon shall occur during daylight hours set by the Board of Zoning Appeals and all equipment utilized in construction shall be properly maintained to limit unnecessary noise levels.
- R. The golf course layout and design shall employ the terrain and natural features to create a challenge and hazards rather than create hazards through extensive cut and fill of earth.
- S. During construction of the golf course and all buildings and structures thereon, all grading shall be done during times when there is the least amount of precipitation. Establish a construction schedule acceptable to the Board of Zoning Appeals. During construction, phase the construction to minimize soil exposure. Establish erosion control measures such as the use of hay bales, silt fences and energy dissipaters to control erosion and siltation of waterways. Provide a permanent cover to stabilize the ground after construction work is completed and provide a timetable for approval by the Board of Zoning Appeals.
- T. The owner and operator of the golf course or country club shall provide proof, on an annual basis, to the Board of Zoning Appeals that they have an insurance policy to cover pollution and down stream erosion in the initial amount of One Million Dollars (\$1,000,000.00) per occurrence, such amount to be increased yearly in an amount at least equal to the yearly increase in the Consumer Price Index, All Cities Average, as established by the United States Department of Labor, or in the event that such Index is no longer available, by reference to a similar Index established by the United States Government.
- U. The Board of Zoning Appeals may require the developer of the golf course or country club to provide a Performance Bond to insure completion dates for construction of erosion and drainage controls, landscaping, and other critical golf course improvements, in such

amount as the Board of Zoning Appeals deems appropriate to assure compliance with completion dates to be established by the Board of Zoning Appeals.

- V. The Board of Zoning Appeals may require the developer of the golf course or country club to provide a traffic impact study where the main access to the facility is located other than on a State highway.
- W. The operator of the golf course shall post signs on the first and tenth tee of each golf course, and at least two signs on the exterior of the premises, on days when pesticide application on the golf course or any part of the recreational facility will occur. The location of the exterior signs shall be established by the Board of Zoning Appeals when conditional use approval is obtained.
- X. After the Board of Zoning Appeals reviews the water resources that will be available to the golf course, should the Board of Zoning Appeals determine that there are limited available ground water or surface water resources, the Board of Zoning Appeals may require the construction of a drainage system that captures runoff from rainfall in irrigation to be used for recycling for irrigation of the golf course. The Board of Zoning Appeals may also require expansion of wetlands, if any, to improve water quality as a setoff for potential runoff from the construction, development and use of the golf course.
- Y. The operator of the golf course or country club shall select pesticides that are most environmentally sensitive. Selection is based on, at a minimum, a Tier I level risk assessment, developed by the Water and Environment Research Foundation ("WERF"), which are U.S. EPA approved protocols. A plan identifying the pesticides that will be used at the golf course or country club shall be submitted to the Board of Zoning Appeals along with the protocols used for selection of the pesticides. This submittal shall be included with the Environmental Management Plan (as hereinafter defined) for the golf course as required by Section 6.5(D)(18) of this Zoning Resolution.
- Z. The golf course shall be constructed in a manner that will limit encroachment on forest buffers, streams, wetlands and flood plains and shall comply with the following requirements:
 - I. The golf course shall be designed to limit fairway crossings of water courses with a maximum of two (2) crossings per

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- one thousand (1,000) feet of stream length.
2. The golf course shall be designed to minimize or eliminate clearing of forests on steep or erodible slopes.
 3. The golf course shall be designed to minimize the clearing of forest canopy, limiting the conversion of forested wetlands. Fairways are to cross, where possible, perpendicular to streams and wetlands.
 4. During construction and use of the golf course, buffers, wetlands and flood plains shall not be filled or graded.
 5. Cart paths are to be constructed of timber on timber pilings (less than or equal to eight (8) feet in width) when crossing wetlands and no cart paths are to be located along steep or erodible slopes. Cart paths shall be designed to weave around trees to reduce the number of trees removed from the site. The golf course shall be designed to limit clearing of forests to twenty-five percent (25%) of total forest acreage of the site. Replace all trees destroyed on a 1:1 ratio, that is one new tree for every tree destroyed or removed.
- AA. The golf course shall be designed and laid out to preserve significant plant and animal habitats presently existing on the site as identified pursuant to the environmental management plan as hereinafter set forth.
- BB. The operator of the golf course shall devise a storm water management and water quality plan to be reviewed and approved by the Board of Zoning Appeals, which shall include the following requirements:
1. A concept plan to manage storm runoff.
 2. Provide for control of stream bank erosion and control pollutants such as nutrients and pesticides.
 3. Combine methods such as infiltration, grassed swales, shallow marsh, vegetative filter strips and forest buffers to manage storm water runoff.

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4. The storm water management plan shall be designed to control the first one-half (1/2) inch of runoff from impervious areas and have the ability to manage a two (2) year storm in order to control stream bank erosion.
- CC. The golf course shall be designed to locate greens and tees where they will have maximum depth to bed rock and high water table. Under-drain systems are to maintain four (4) feet of soil separation between subsurface leaching systems and bed rock and/or ground water.
- DD. The operator of the golf course shall submit a plan for approval to the Board of Zoning Appeals to establish best management practices ("BMP's") for golf course maintenance departments which shall include the following requirements:
1. Isolate potential contaminants from the soil and water during delivery, storage and use of such contaminants at the golf course or country club facility.
 2. Do not discharge any material other than clean storm water onto the ground or into a surface water body.
 3. Minimize irrigation, fertilization and pesticide use through integrated pest management methods as hereinafter required.
 4. Storage of pesticides shall be in lockable concrete or metal buildings located at least fifty (50) feet from other types of structures to allow Fire Department access. The floor and walls of any such structure shall be seamless metal or concrete and sealed with a chemical resistant paint. The buildings shall be designed so that the floor will contain a volume equal to the volume of all pesticides that are contained in the storage area to eliminate the escape of pesticides from the building. Flammable pesticides shall be separated from non-flammable pesticides. All shelving material that will hold pesticides shall be composed of chemical resistant metal. Wood shelves shall not be utilized to store pesticides.
 5. The loading of pesticides and mixing with water or oil dilutants shall be done over an impermeable surface with a collection system that will allow chemicals and/or water to be

recycled. 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) BMP's are being employed to protect natural resources. Washing of pesticide application shall be conducted in an area so that water and chemicals are recycled. This wash area shall be kept separate from the other maintenance areas.

6. Any pesticide that collects on a cement pad must be applied as a pesticide or disposed of as a waste product.
7. Pesticide containers must be cleaned immediately upon emptying and wash water must be managed properly. The BMP is to collect any used waste waters as a pesticide in accordance with label instructions for that pesticide.
8. Fertilizers shall be covered in a storage area with curbs or berms to prevent surface water from entering the storage area.
9. In the use of solvents for equipment washing, separate the solvent collection systems using methods such as a solvent wash bath or methods approved by the Board of Zoning Appeals.
10. Washing of maintenance equipment (except pesticide applicators which are governed by Section 6.5(D)(16)(Y)) shall occur in an area that is covered from the elements, such as wind, rain and snow. Prior to washing, equipment shall be cleaned with compressed air and grass clippings and debris shall be collected and composted. Once cleaned with compressed air, the equipment shall be washed, and grass clippings and debris shall be collected in a strainer and the wash water shall be drained to a common point and filtered through a grease trap and then filtered and recycled; alternatively, if discharge of wash water is to occur, utilize a filtration system and demonstrate (i) the facility is not discharging chemicals from the facility and (ii) Best Management Practices are in place that will protect natural resources. Grass clippings collected in the strainer shall be composted.

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17. Each Applicant requesting a Conditional Use Permit for a golf course or country club shall be required to submit to the Board of Zoning Appeals for their approval, a plan for the design, construction, operation and maintenance for the golf course or country club facility which shall include (in addition to the environmental plan to be presented to the Board of Zoning Appeals as hereinafter set forth) the following:
- A. Prepare existing conditions survey which shall include the following:
1. Locate streams, ponds and other water bodies.
 2. Locate wetlands and document vegetation, soils and hydrology.
 3. Calculate the one hundred (100) year flood plain.
 4. Prepare topography with slopes differentiated as less than or equal to ten percent (10%), eleven percent (11%) to nineteen percent (19%) and equal to or greater than twenty percent (20%).
 5. Show existing land cover for the golf course and areas where buildings or structures, driveways, paths, and existing bodies of water are located.
 6. Locate significant plant and animal habitats and document species, last known sighting, and the status and source of the documentation.
- B. Submit a proposed layout of the golf course or country club facility which shall include, at a minimum, the following:
1. The location of all tees, greens, fairways, practice range, new bodies of water and vegetative buffers.
 2. Locate all buildings and structures, including any clubhouse, maintenance building, tennis facilities, recreational facilities, fishing facilities, and pools.
 3. Locate roads, parking lots, paths and access ways.
 4. Prepare a conceptual design for management of storm water

runoff and water quality and present an analysis of the location and methods to be used to manage storm water runoff and to protect water quality.

5. Locate irrigation wells and/or surface water ponds for irrigating the golf course and for the potable water supply for users of the golf course and other recreational facilities.
18. The Applicant for a golf course or country club facility shall be required to develop an overall environmental management plan for design, construction, operation and maintenance of the golf course or country club and related facilities, which shall be approved by the Board of Zoning Appeals prior to approval of a Conditional Use Permit and reviewed annually for continued approval of the Conditional Use Permit. This plan shall establish base line environmental goals. The plan shall include, but not be limited to, the following:
- A. Site description and evaluation including physical setting, topography, soils, surface water, ground water and climate affecting the facility.
 - B. Management of water quality during construction and post construction.
 - C. Provide for surface runoff and developing vegetative practices, detention and/or retention practices and maintenance.
 - D. Impact, use, maintenance and management of surface water, soils, groundwater and wetlands.
 - E. The plan shall establish golf course design and post construction impacts including consideration of surface runoff, subsurface drainage, soil mixes and modifications, and location of putting greens, tees, fairways and roughs.
 - F. The plan shall establish turf grass selection for greens, tees, fairways, roughs, turf barriers and naturalized and non-play areas.
 - G. A basic grow-in program shall be established including watering, fertilizing, mowing, rolling, developing tee and putting surfaces and pest control during such time period.
 - H. The plan shall establish cultural practices for mowing, fertilizing,

irrigation, water management and supplementary cultural practices such as vertical mowing, aerifying, topdressing and rolling.

- I. The plan shall establish and publish, for use by the golf course staff, a basic annual maintenance guide, in writing, available to the staff at all times, which shall give consideration to soil analysis, calibration of equipment, mowing, fertilization, irrigation, spiking, vertical mowing, aerifying, topdressing, liming, nematode control, wetting agent applications, raking and edging bunkers, weed control, insect control, and disease control.
- J. An integrated pest management plan ("IPM") shall be established including pesticide selection and screening of materials to be used and avoided at the golf course. Consideration shall be given to site conditions, soils, pesticide properties and management practices. A listing of pesticides to be restricted or prohibited shall be included in the plan. The plan shall include the following:
 1. Monitoring of potential pest populations.
 2. Determining injury level.
 3. Developing and integrating biological, cultural and chemical control strategies.
 4. Educating golf course personnel on biological and chemical control strategies.
 5. Timing and spot treatment preferences using chemical, biological or cultural methods.
 6. Evaluating results on an ongoing basis and submitting an annual survey of the IPM Plan and any proposed revisions or modifications thereof to the Board of Zoning Appeals for their review on an annual date to be established by the Board of Zoning Appeals.
 7. The IPM shall set thresholds for pest problems and use control treatments only when exceeded and only in areas where the thresholds have been exceeded.
 8. Require scouting by qualified personnel trained to recognize

- pest problems at an early stage. The scouts being utilized shall be identified and their training and qualifications shall be submitted to the Board of Zoning Appeals on an annual basis.
9. The IPM plan shall specify local problems and treatment methods including disease control, insect control and weed control.
 10. The plan shall include a pesticide safety program including storage, handling and application considerations as well as disposal. A pesticide application and storage record shall be kept by the person in charge of the pesticide program and shall be submitted annually to the Board of Zoning Appeals on the date required by the Board of Zoning Appeals.
 11. The IPM plan shall establish a spill prevention and response plan and provide a method for prevention, training and containment of pesticides and other chemicals.
- K. The environmental management plan shall include a hazard communication program among the golf course personnel and Township and County agencies to provide appropriate and timely responses to hazards that may arise on the golf course or country club.
- L. The environmental management plan shall establish an ongoing stream monitoring program to be approved by the Board of Zoning Appeals. On an annual basis, to be established by the Board of Zoning Appeals for continual approval of the Conditional Use Permit, present the results of the stream monitoring program to the Board of Zoning Appeals to provide assurance to the Township that the construction, development and use of any golf course and related facilities is not adversely affecting streams and habitats located therein. The Board of Zoning Appeals may require modifications to the Conditional Use Permit, including the suspension, modification, or reduction of the use of pesticides and revisions to the IMP in order to reduce pesticide levels to concentrations lower than LC₅₀ or human health levels or equivalent (HAL). The Board of Zoning Appeals shall determine, after three (3) years of monitoring, after completion of the golf course, if continued monitoring shall be required, during the third annual review of the stream monitoring program by the Board of Zoning Appeals. The stream monitoring program shall

include the following:

1. Prepare base line monitoring four (4) consecutive months just prior to commencement of construction of the golf course and continue to provide monitoring during two (2) of the following three (3) seasons, spring, summer, and/or autumn after commencement of construction of the golf course.
2. Provide for monitoring for a period of three (3) years from the start of golf course construction, and such longer period of time as may be required by the Board of Zoning Appeals. In addition to the stream monitoring required by the Board of Zoning Appeals, during the same time period, continued sampling shall be required if pesticides are detected in the stream water at toxicologically significant levels. Sampling shall continue, until pesticides are no longer detected at such levels and approval is obtained by the Board of Zoning Appeals to terminate such sampling. The Board of Zoning Appeals may require sampling at any time during the life of the Conditional Use Permit, should it determine that any construction, development and use of any golf course and related facilities is adversely impacting streams and habitats located therein.
3. A minimum of three (3) samples to be taken during storm events equal to at least twice the base flow of a stream for all water quality parameters as hereinafter outlined.
4. Provide monthly sampling throughout baseline and follow-up phases of stream monitoring of pH, DO, conductivity, flow and velocity.
5. Establish parameters on a quarterly year basis, for total phosphorous, total nitrogen, alkalinity, total suspended solids, turbidity and pesticides. Advise the Board of Zoning Appeals which chemicals and pesticides will be utilized and submit to the Board of Zoning Appeals the chemicals proposed for analysis and the rationale for such election which shall be based on the Tier I risk assessment set forth in Section 6.5(D)(16)(Y). Those chemicals that are most hazardous and used most frequently shall be assessed on a quarterly year basis.

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6. Monitor in-stream temperature from July to September during each year in which the stream monitoring program is required. In order to determine if the golf course construction and use is having a negative effect on the biota of any stream from increased temperatures, a temperature reading taken at the same time each day shall be obtained and prepare base line studies to compare pre-construction to post-construction temperatures, or use continuous recording thermographs to monitor in-stream temperatures. The water temperature of any stream that has a shoreline with greater than fifty (50) feet of newly exposed streams shall be measured. Measurements shall occur at the most down stream point of stream clearing.
 7. In the event water quality samplings indicate a pesticide in concentrations greater than LC₅₀ or Human Health Levels or Equivalent (HAL), the applicant shall be required to sample the benthic community of the stream and provide the results of such sampling to the Board of Zoning Appeals in the Fall and Spring of each year until the pesticide level is no longer found in such concentrations. Take measures and present such proposed measures to the Board of Zoning Appeals to reduce pesticides below such concentrations. In addition, background locations shall be taken up stream to determine if the pesticides result from usage of the golf course or country club and/or other off site uses.
 8. Prepare a stream morphology providing data on substrate composition, substrate imbeddedness, bankful width and depth, wetted width and depth, stream bank conditions, pool class and shading.
- M. The environmental management plan shall provide for a ground water monitoring program. In order to protect the ground water, the ground water quantity and quality shall be determined. The Board of Zoning Appeals may eliminate the requirement to determine ground water quantity, in the event ground water will not be utilized for any purpose on the golf course or any facility located at the site of the golf course or country club. Unless waived, the plan shall provide for the preparation of aquifer testing to determine sufficient water supply available for the proposed use. A pump test for monitor wells must be established. Data to be provided shall include the following:

1. Calculate the necessary values for transmissivity and storativity.
2. Prepare water balance assessment and evaluate gains and losses from the ground water system. All plans showing irrigation needs and domestic use are to be included in the assessment.
3. Prepare an impact analysis on the ground water withdrawal regarding adjacent ground water supplies.
4. Prepare impact analysis on irrigation withdrawal on surface water base flows.
5. In order to protect water quality, determine in situ permeability and focus on green and tee areas. Determine the total organic carbon evaluation in conjunction with permeability. Prepare a base line water quality evaluation and determine the impact on ground water resources. Sample points representative of prior land uses, if any. Utilize on-site test wells to sample and analyze ground water for at least four (4) consecutive months to obtain the background of water quality provided samples are also obtained during at least two (2) of the following three (3) seasons, Spring, Summer and/or Autumn. Establish the minimum parameters for inorganic chemistry, major ions, volatile priority pollutants and pesticides.
6. Provide mitigative measures to prevent ground water contamination from lakes and ponds.
7. Ongoing ground water and surface water monitoring, on a yearly basis, shall be required to be submitted to the Board of Zoning Appeals for continued approval of the Conditional Use Permit upon such date as the Board of Zoning Appeals determines, to insure effectiveness of IPM plans and to permit sufficient remedial response time in the event ground water contamination occurs. The plan for protecting the ground water shall include a proposal for monitoring wells. Submit to the Board of Zoning Appeals the chemicals proposed to be analyzed and the rationale for selection based on the Tier I risk assessment referred to in Section 6.5(D)(16)(Y). Those

chemicals that are the most hazardous and used most frequently shall be assessed on a yearly basis and submitted to the Board of Zoning Appeals as hereinabove required.

8. A copy of all ground water and surface water quality monitoring results will be submitted no later than thirty (30) days prior to the date established each year by the Board of Zoning Appeals for continued approval of the Conditional Use Permit. The Board of Zoning Appeals shall require water quality and quantity monitoring results to be submitted annually so long as the property is utilized as a golf course or country club facility, unless, for good cause shown, the Board of Zoning Appeals modifies the frequency of reporting of monitoring results and/or the frequency of water quality and/or water quantity monitoring. The ground water monitoring, and the surface water monitoring program, where applicable and appropriate, shall include, at a minimum, the following:
 - (a) The plan shall provide for perimeter and interior golf course monitoring.
 - (b) Well sites are to be selected on the basis of soil permeability and organic carbon content analysis determined from on-site testing.
 - (c) Background water quality samples are to be collected quarterly for each year that monitoring results must be presented to the Board of Zoning Appeals. All wells and bodies of surface water being utilized for background water quality are to be sampled four (4) times per year, while such background determinations are being made, and include in the testing/general inorganic chemistry (such as Nitrate-alkalinity, hardness, pH, temperature and conductivity), and pesticides in use or proposed to be used upon the golf course or country club facility.
 - (d) Operational ground water and surface water qualities shall be established after the background water quality is determined. The monitoring program shall consist of perimeter and interior well sampling and a

sampling protocol shall be established for each well. Perimeter wells and bodies of surface water will be sampled three (3) times per year during the first and second year after the grow-in period and once yearly thereafter. Annual monitoring should occur after the fall season recharge which shall be done after verification by noted increase in ground water elevations in associated monitoring wells. Interior wells and bodies of surface water are to be sampled three (3) times per year and parameters are to include general inorganic chemistry as well as all pesticides used on the golf course the previous year. In the event solvents are used for any purpose, utilize a solvent recycler to dispose of volatiles. The quantity of solvents utilized each year shall be tracked and the results reported to the Board of Zoning Appeals, so long as water quality monitoring results are required to be submitted annually to the Board of Zoning Appeals. Select chemicals for testing based on Tier I risk level assessments as set forth in Section 6.5(D)(16)(Y).

- (e) Prior to obtaining a Conditional Use Permit, the water quantity well shall be identified and maximum draw-downs levels established for each well. In the event draw-downs are significantly higher than predicted values, the impact to adjacent supplies shall be re-evaluated and the Applicant for the golf course or country club, as a condition of continued approval of the Conditional Use Permit, may be required to obtain new sources of water, either surface or ground, for irrigation of the golf course. The Board of Zoning Appeals may establish, as a condition of the Conditional Use Permit, to provide the results of ground water quantity monitoring on an annual basis, to be submitted at a date to be determined by the Board of Zoning Appeals for continued approval of the Conditional Use Permit, in order to insure, on an ongoing basis, that the golf course and related facilities are not adversely impacting the ground water aquifer.

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19. A. The Audubon Society of New York State established the Audubon Signature Cooperative Sanctuary Program to be used in conjunction with the development of golf courses. This program is designed to assist in planning, constructing, and maintaining proposed developments in an environmentally sensitive manner. The Township has determined that this program, and the related Principals For Sustainable Resource Management, adopted by the Audubon International Center for Sustainable Resource Management is an appropriate method of protecting the environment, providing for ecological restoration, and balancing wildlife conservation, habitat enhancement, and environmental improvement with the economic realities associated with development of golf courses, country clubs and related facilities. Therefore, the Township has elected to encourage golf course and country club applicants to join the Audubon Signature Cooperative Sanctuary Program. If the Applicant for a golf course or country club complies with the Audubon Signature Cooperative Sanctuary Program requirements and obtains a certificate from the Audubon Society that its plans will be in compliance with the Program and the Principals For Sustainable Resource Management, as published from time to time, and upon completion of the golf course obtain a certificate verifying compliance with the Audubon Signature Cooperative Sanctuary Program, such approvals and certificate may be submitted to the Board of Zoning Appeals and no further review of compliance with the Principals for Sustainable Resource Management shall be required of the Applicant.
- B. In the event the Applicant chooses not to join the Audubon Signature Cooperative Sanctuary Program, then the Applicant shall provide proof, through appropriate experts and/or consultants, that the design, operation and maintenance of the proposed golf course or country club will comply with the Principals For Sustainable Resource Management as published and in effect from time to time by the Audubon International Center for Sustainable Resource Management. The Applicant shall submit appropriate evidence to the Board of Zoning Appeals that it has considered habitat enhancement, wildlife conservation, integrated resource management, waste management, energy efficiency and water conservation in its design for construction, operation and use of the golf course or country club and related facilities in accordance with the Principals For Sustainable Resource Management as then adopted by the Audubon International Center for Sustainable Resource Management. As a condition of the

issuance of the Conditional Use Permit, the Applicant shall, after completion of construction of the golf course, and prior to use as a golf course, submit appropriate evidence to the Board of Zoning Appeals for their determination that the golf course was constructed in accordance with such Principals. In the event of any conflict between the Principals of Sustainable Resource Management and the provisions of this Zoning Resolution, the more restrictive regulatory provision and/or the provision that protects and enhances habitat, wildlife management, waste management, energy efficiency, and water conservation shall prevail.

20. The Board of Zoning Appeals, in reviewing proposals and plans for design, construction, and use of golf course or country club facilities may, where they deem appropriate, based on local site conditions, deviate from the regulations set forth in this Section 6.5(D) when the Board of Zoning Appeals is satisfied that it meets the spirit of the Zoning Resolution and any deviation will not harm the health, safety and morals of the Township or harm the environment or habitats located on the golf course site or properties impacted by the golf course and related facilities. The Applicant is encouraged to hire appropriate experts or consultants to prepare BMP's, IPM's, and environmental, safety and health programs for the employees, users and neighbors of golf courses, country clubs and related facilities. In the process of analyzing and designing these uses, in appropriate cases, the Applicant may request that the Board of Zoning Appeals deviate from the regulations otherwise required by Section 6.5 and the Board of Zoning Appeals may do so with or without the need for a public hearing. Any deviation from the requirements of this Section 6.5 shall be the minimum necessary to grant the relief requested, and shall not impair the overall health, safety, and environmental goals set forth in Section 6.5 of the Zoning Resolution. However, where the Applicant's consultants and/or experts present a compelling reason why deviations may occur, the Board of Zoning Appeals may grant the minimum necessary relief and may require, where appropriate, trade-offs or set-offs when such deviations are granted.
21. A. Upon application for approval of a golf course or country club, the Applicant shall deposit the sum of Twenty Thousand Dollars (\$20,000.00) with the Secretary of the Board of Zoning Appeals for the Township of Russell to cover costs incurred by the Township in reviewing the plans, data and other submissions required by Section 6.5 of the Resolution. If, during the review of the proposal, the balance of the fund is reduced to less than Five Thousand Dollars (\$5,000.00), the Secretary of the Board of Zoning Appeals shall

notify the Applicant in writing that the Applicant provide additional funds to return the balance to a minimum of Ten Thousand Dollars (\$10,000.00) until such time as all plans are reviewed and acted upon by the Board of Zoning Appeals. If such funds are not provided within fourteen (14) working days thereafter, the Board of Zoning Appeals shall stay review and processing of such application until the funds are provided to the Township. The Conditional Use Permit shall not be issued by the Zoning Inspector for the Township until all actual costs of review are reimbursed by the Applicant to the Township. The actual cost of review shall include, but not be limited to, the reasonable costs incurred by the Township for review and supervision of proceedings by the Township's legal counsel, if any, and any experts or consultants retained by the Board of Zoning Appeals to review the application, data, plans and other submission of the Applicant to insure compliance with the Zoning Resolution, including, but not limited to, reviews of environmental plans, design of the golf course and related facilities, monitoring and analysis of the ground water, streams, surface waters, proposals for IPM's and BMP's and all other aspects of the review and analysis required of the Board of Zoning Appeals, including, proof of compliance with the Audubon Society Signature Cooperative Sanctuary Program and/or the Principals For Sustainable Resource Management as published from time to time by the Audubon International Center for Sustainable Resource Management. In the event the actual cost of review incurred by the Township exceeds the amount deposited by the Applicant, upon receipt of an invoice, the Applicant shall pay the actual cost of review prior to the issuance of a Conditional Use Permit, and in the case of annual reviews after the Conditional Use Permit is issued, shall reimburse the Township within thirty (30) days after receipt of an invoice from the Township. The Board of Zoning Appeals, upon issuance of the Conditional Use Permit, and upon annual review and approval of continuation of the Conditional Use Permit, may require the applicant to post a new deposit, in an amount not to exceed Five Thousand Dollars (\$5,000.00), to pay for the actual cost of review for the next annual review for continuation of the Conditional Use Permit. The actual cost of review may also include costs of notification to various parties and agencies, advertising, Court Reporter fees, recording of proceedings before the Board of Zoning Appeals, and other direct costs of the Township in administering proceedings under this Section 6.5.

- B. Whenever an Applicant is required by this Section 6.5 to pay to the

Township the actual cost of review involving expenditures by the Township for the engagement of experts and consultants such as attorneys, agronomists, environmental scientists, engineers, architects, hydrogeologists, and other professionals, the Applicant shall have the right to appeal to the Trustees the amount of the actual cost of review charged to the Applicant. The appeal shall be initiated by the Applicant within thirty (30) days after the actual costs of review are invoiced to the Applicant by the Township, (which invoice shall be provided no more than thirty (30) days after any deposit by the Applicant is utilized to reimburse the Township for the actual cost of review), by the filing of a written Notice of Appeal with the Fiscal Officer of the Trustees, together with a deposit of an official bank check, or certified check, or cash, in the full amount of the actual cost of review which the Applicant disputes in the event there are insufficient or no funds on deposit to cover the actual costs of review in dispute. Such deposit shall thereafter be held by the Township until such time as the Trustees render their decision as set forth below. The Notice of Appeal shall set forth a written summary of the Applicant's grounds for disputing such actual cost of review. In the event the actual cost of review being disputed involves the services of an expert or consultant hired by the Township, such person or firm shall be provided with a copy of the Notice of Appeal and the written summary of the grounds of dispute and such person or firm shall thereafter file within fifteen (15) days, a written response to the Applicant's grounds for appeal. No later than forty-five (45) days after the filing of a Notice of Appeal, the Trustees shall conduct a hearing relative to the Applicant's appeal. The Trustees shall afford the Applicant and any affected expert or consultant retained by the Township the opportunity to present witnesses and to cross-examine evidence of other parties to the proceeding. The Trustees shall thereafter determine, by a majority vote, whether the Applicant has demonstrated, by a preponderance of the evidence, that the actual costs of review are unreasonable. Reasonableness shall be determined based upon the following factors:

1. The terms of the contract, if any, between the Township and the expert or consultant.
2. The complexity of the matter under review.
3. Any events or circumstances affecting the expert or consultant's review which were beyond the reasonable control

of the expert or consultant.

4. The amount of time expended on the review by the expert or consultant and the nature of the issues under review.

In the event the Trustees deny the appeal, the Township shall immediately utilize the deposit for the payment of the actual cost of review. In the event the Trustees agree with the Applicant that the actual costs of review in dispute is unreasonable, the Trustees shall determine a reasonable amount for such costs of review and shall thereafter direct the Township to pay the amount so determined from any deposit made by the Applicant, and if appropriate, return the amount on deposit equal to the amount deemed unreasonable. Either the Applicant, or the expert or consultant retained by the Township may appeal the decision of the Trustees to the Court of Common Pleas under Ohio Revised Code Chapter 2506. The Township shall have no liability to the expert or consultant for services rendered on any project of an Applicant for any sums finally determined to have been unreasonably charged for such services.

(Amended August 17, 2012 – Amendment No. 2012-5)

22. The Applicant for any golf course or country club shall submit all plans and designs, otherwise required to be submitted to the Board of Zoning Appeals, to the Geauga County Soil and Water Conservation District for their review and comments for the benefit of the Board of Zoning Appeals. Where appropriate, and applicable, the approval of such plans and design by the Geauga County Soil and Water Conservation District shall be a condition subsequent to the issuance of any Conditional Use Permit for a golf course or a country club.

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 zone 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 or property line.

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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
 - ..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 zone 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 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.

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, the sale of new auto accessories and parts, storage and routine repair, and maintenance operations, exclusive of major body repair, bumping and painting. 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

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- 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 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
 - ..The rear yard shall be not less than fifty (50) feet, except that if such rear yard abuts a residential zone, 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 zone 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.

6.5. G. Private Landing Strips and Accessory Facilities for the Use, Storage, Routine Servicing, and Maintenance of Private Aircraft

Recognizing that private aircraft may be used by Township residents for their personal convenience, with appropriate safeguards to prevent such use from jeopardizing lives and property within the Township and without unreasonably derogating from the use and value of neighboring properties; and also recognizing that to permit such use of land may, under certain conditions, further the purposes and objectives of this Resolution by encouraging land owners to retain large areas of open land, rather than to subdivide and develop the same, an application for approval of plans for such uses may be made for land within the R-3 Residential Zone and the R-5 Residential Zone of the Township in accordance with the following standards and requirements: (Amended June 29, 1981 Amendment #23)

1. A landing strip and its accessory facilities is to be located on a parcel or parcels consisting of not less than thirty (30) contiguous acres, all of which shall be under one (1) ownership at the time of application, and all of which must continue under one (1) ownership so long as the landing strip and/or its accessory facilities are in use. (Amended June 29, 1981 X Amendment No. 23)
2. Such use shall be permitted only as an accessory use to a single one-family residence. No landing strips or accessory facilities shall be regularly utilized by persons other than occupants of such residence, which is to be located on the parcel of real estate containing such facilities. All land on which a landing strip and its accessory facilities are located must be owned in fee simple by the owner of such residence. (Amended June 29, 1981 X Amendment No. 23)
3. Landing strips shall be unpaved and shall have a grass surface, so maintained as to be indistinguishable in appearance from surrounding lawn area. (Amended June 29, 1981 X Amendment No. 23)
4. All landing strips must be not less than 2,000 feet in length and not less than 60 feet wide. Applications for landing strips must indicate by reference to identifiable objects, structures, and/or boundaries, the precise location of the landing strip, whether or not the outlines thereof are to be physically demarcated. (Amended June 29, 1981 X Amendment No. 23)
5. All portions of the landing strip must be located not less than 200 feet from the nearest boundary line of the parcel on which such strip is located. (Amended June 29, 1981 X Amendment No. 23)
6. No lighting of any landing strip shall be permitted at any time. "Lighting"

includes any directional beacon light or signal indicating or calling attention to the location of an air strip or its boundaries. (Amended June 29, 1981 - Amendment No. 23)

7. A single hangar for the storage of private aircraft may be authorized in conjunction with and as accessory to a landing strip permitted hereunder; provided, however, that the area of such hangar shall not be greater than is normally required for storage and maintenance of one aircraft of the type regularly using the permitted landing strip; and further provided that the hangar conforms in all respect to the requirements and limitations generally applicable to an accessory structure in the Land Use District in which the same is located. (Amended June 29, 1981 - Amendment No. 23)
8. A single fuel storage tank for the storage of aviation fuel may be authorized in conjunction with and as accessory to a landing strip permitted hereunder; provided, however, that the capacity of such tank shall not exceed 250 gallons. (Amended June 29, 1981 - Amendment No. 23)
9. Not more than one (1) aircraft shall be located at any one time on the premises of any air strip. Said maximum shall include aircraft stored on the premises within a hangar or other structure. (Amended June 29, 1981 - Amendment No. 23)
10. All aircraft using the airstrip shall be limited to fixed-wing, single-engine aircraft not to exceed 200 horsepower. (Amended June 29, 1981 - Amendment No. 23)
11. All uses permitted hereunder shall be located, planned, and designed so as to be in keeping with the surrounding pattern of development and the character of the neighborhood, as well as with the objectives of this Resolution, and shall be subject to such conditions and limitations as will prevent the use from creating or tending to create a condition which will otherwise impair health, safety, or general welfare. (Amended June 29, 1981 - Amendment No. 23)

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 a commercial use and may be allowed in any C-S Commercial and Services 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 following conditions. Each billboard shall be subject to the issuance of a separate conditional zoning certificate.

1. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in one direction. There shall not be more than one (1) billboard structure with a maximum of two (2) sign faces on a lot.
2. A billboard shall be the principal use of the lot on which it is located.
3. The sign face area of a billboard shall be included in determining the maximum allowable signage on a lot for the zoning district in which it is located.
4. Billboards shall be spaced a minimum of 250 feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the Township where the affected road extends

beyond such boundaries.

5. A billboard shall be set back a minimum of 50 feet from any residential zoning district boundary. The setback shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.
6. A billboard shall be set back a minimum of 50 feet from an existing residential dwelling, a church or place of worship, a cemetery, a school, a public park or playground, a public library or a daycare center. The setback shall be measured from the nearest lot line to the nearest portion of a billboard.
7. A billboard shall be setback a minimum of 70 feet from any front lot line. The setback shall be measured from the front lot line to the nearest portion of the billboard.
8. A billboard shall be set back a minimum of 30 feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
9. A billboard shall be set back a minimum of 30 feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.
10. A billboard shall be set back a minimum of 250 feet from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
11. A billboard shall be set back a minimum of 100 feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of the billboard.
12. The maximum height of a billboard shall be 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.
13. The maximum sign face area of a billboard shall be 128 square feet (8 x 16 feet).
14. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.

15. A billboard projecting over a driveway shall have a minimum clearance of 10 feet between the lowest point of the sign and the finished driveway grade.
16. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ lighting of a constant intensity. Flashing, rotating or oscillating lighting shall be prohibited. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device or signal.
17. A billboard shall not employ any elements which revolve, whirl, spin or otherwise make use of motion.
18. All wiring, fittings, and materials used in the construction, connection and operation of a billboard shall comply with the applicable provisions of the building and electrical codes enforced by the Geauga County Building Department. Proof of compliance with such codes shall be provided by the applicant.
19. The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.
20. A billboard shall be included in determining the maximum coverage of buildings and structures on a lot for the zoning district in which it is located.
21. A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Flood Insurance Rate Maps of Geauga County.
22. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.
23. The name, telephone number, and address of the owner or lessee shall be permanently shown on the billboard.
24. Billboard sign faces shall be neatly painted or posted at all times and the billboard structure shall be kept in a safe state of repair.
25. A billboard that becomes damaged and is not repaired, or a billboard that is no longer in use, shall be removed within thirty (30) days.

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 zone, 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.

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- 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.

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- 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.
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.

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- 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 zone.
 - 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

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- 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.

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, (each defined in Section 2 above), (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 building 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** - A non-conforming building or structure may be expanded and/or enlarged when the expansion/enlargement does not increase or extend the non-conformity. The expansion and/or enlargement of a non-conforming building or structure which increases or extends the non-conformity shall require an application for an area variance.

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 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 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)

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- 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 **Nonconforming Lots of Record** - In any district in which single-family dwellings are permitted, a single-family dwelling or an accessory building may be constructed, erected, reconstructed, enlarged, or altered on a lot of record, which is held in single and separate ownership, and which is nonconforming to the regulations for such district. (Amended December 16, 2016 - Amendment No. 2016-7)
- 7.6 **Off-Street Parking** - A nonconforming 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) 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.
- 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. (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.

SECTION 9 BOARD OF ZONING APPEALS

9.1 **Board of Zoning Appeals** - In accordance with the O.R.C. (Ohio Revised Code) 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.

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. For such an appeal no fee shall be charged.
- 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, 1961 - 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 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 posted at the Township Administration Building in advance of the meeting. (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 in by a majority of the members present, excepting 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.

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- 9.14 **Variations** - 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:

1. Area variance:

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- b. Whether the variance is substantial.
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- d. Whether the variance would adversely affect the delivery of governmental services.
- e. Whether the property owner purchased the property with the knowledge of the zoning restriction.
- f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- h. Such other criteria which the board believes relates to determining whether the zoning regulation is equitable.

2. Use variance:

- a. Why the variance from the terms of the zoning resolution will not be contrary to the public interest.
- b. Because of what special conditions will an unnecessary hardship result from a literal enforcement of the zoning regulations.
- c. What the unnecessary hardship is which will result from a literal enforcement of the zoning resolution owing to the special conditions set forth in subparagraph "b" above.
- d. How the spirit of the zoning resolution will be observed if the variance is granted.
- e. Why substantial justice will be done if the variance is granted.

Before any variance shall be considered, the property owner shall file a written application therefore. It shall set forth the location of the premises, the names and addresses of adjacent property owners, a clear statement of the alleged 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. The Board shall conduct a hearing on the variance application. In addition to the public notice elsewhere required, 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.

- 9.15 **Decisions** - Within 30 days after the close of any hearing required by this resolution, or at the next regularly scheduled Board meeting, the Board shall issue a written decision on the matter under consideration. The Board shall also prepare the findings of fact upon which it relied in making the decision, as required by law. Copies of the decision shall be mailed by the secretary by certified mail to real parties in interest and attorneys for parties, as required by law.
- 9.16 **Appeal from Board** - Upon the filing of a notice of appeal as provided in the O.R.C. and an appropriate precept, 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 **Hearings by the Board** - The Board shall fix a reasonable time for public hearings on appeals, variances, conditional uses, declaratory judgements and other applications. It shall give at least ten (10) days notice in writing to the parties in interest and give notice of such public hearing by one (1) publication in a newspaper of general circulation in Geauga County at least ten (10) days prior to the date of such hearing. It shall decide the matter within a reasonable time after it is submitted. The hearing of any appeal, or application, shall proceed as in the trial of a civil action. Any contiguous or neighboring property owner especially affected by the appeal, or application, may become a party thereto. The appellant or any party shall be permitted to appear and be heard in person or by his attorney to present his position, arguments, and contentions; to offer and examine witnesses and present evidence; to cross-examine witnesses; to offer evidence to refute evidence and testimony offered in opposition to his position, arguments and contentions; and to proffer any such evidence into the record. Every witness to proceedings before the Board shall give testimony under oath or affirmation. Any party may call any other party as if on cross-examination.

(Section 9 amended May 15, 1998 - Amendment No. 98-1)

9.19 **Supplementary Conditions on Variances** - The Board of Zoning Appeals, in deciding any appeal for a variance, may provide such supplementary conditions which are reasonably related to the requested variance and are not in conflict with this Resolution and which the Board deems necessary to protect the public health, safety and general welfare. Any such supplementary conditions shall be made a part of the Board of Zoning Appeals' proceedings and shall be incorporated into the final decision by the Board approving a variance. Violation of such supplementary conditions, which are made a part of the written decision of the Board, shall be deemed a violation of this Resolution.

(Amended December 1, 2006 – Amendment No. 2006-5)

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 Trustees, all of whom shall be appointed by the Trustees and shall serve at their pleasure, and at such compensation as they shall determine from time to time.
- 10.2 **Inspector's Bond** - The Inspector, before entering upon the duties of his office, shall give bond as provided by general law. His deputies and assistants shall give such bonds as the 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, his deputies and assistants, and the Board of Zoning Appeals. 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 nonconforming use or structure, or for the use of a lot or land in a new 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 **A. Information Required** - All applications for zoning certificates shall be accompanied by a site plan or plat, in triplicate, which shows:
1. The street providing access to the land;
 2. Lot numbers, if any, of the concerned and abutting properties;
 3. Dimensions and location of structures;
 4. Location and size of proposed building or structure, and
 5. 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.

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- 10.5 **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.
- 10.6 **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.
- 10.7 **Revocation** - Any zoning certificate shall be revoked by the Zoning Inspector if the Inspector finds that a materially false representation has been made in the application for such certificate, if there has been failure to comply with a condition upon which the certificate was issued, or if a violation of any of the provisions of this Resolution has not been cured, after notice from the Inspector requiring such violation to be corrected, or if the construction or use described in the certificate has not been started within one (1) year of the date of issuance; or if started, is not proceeding with reasonable speed. Written notice of revocation setting forth the cause shall be sent by certified mail to the address of the owner which appears on the application. A person aggrieved by the revocation shall have a right of appeal to the Board of Zoning Appeals provided written notice of appeal is filed with the Inspector within twenty (20) days next following the date of revocation. The Board shall by rule provide for a public hearing on such appeal and a determination thereon.
- 10.8 **Subdividing Land** - Where all approvals required by this Resolution and other applicable regulations have been obtained for subdivision of a tract of land, a conditional zoning certificate shall be issued for such tract or any portion thereof, permitting use of the land in accordance with the plats and other documents filed by the owner or developer and approved by Township authorities, and upon compliance with the conditions, if any, under which subdivision and use of the land has been permitted. When subdivided land has been completely laid out and improved in accordance with the plats and other documents submitted and approved, and upon compliance with all conditions established by Township authorities for use of such land, the Zoning Inspector may issue zoning certificates without such conditions for individual lots in the subdivision.
- 10.9 **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)

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- 10.10 **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 written complaint with the Zoning Inspector setting forth facts in support of the complaint. The Zoning Inspector shall supply a form upon which such complaints may be filed. 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.
- 10.11 All records required by this Resolution to be maintained by the Zoning Inspector shall be permanent and shall be open to the public.
- 10.12 Whenever the Zoning Inspector visits the property of a Russell resident for the purpose of investigating a zoning violation, he shall have a copy of the Zoning Resolution with him. Upon request he shall show the resident all applicable paragraphs of the Resolution regarding the nature of the violation.
- 10.13 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.
- 10.14 **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.
- 10.15 **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.
(Amended August 17, 2012 –Amendment No. 2012-2)

SECTION 11 AMENDMENTS

- 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 or the treasurer's mailing 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 and place of the public hearing, the nature of the proposed amendment, 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.

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- 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 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 (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
- 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 eight (8) 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 or supplement for approval or rejection at the next primary or general election.

No amendment or supplement 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 the day following approval by the electorate.

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 **Penalty** - Whoever violates any section of this Resolution, shall be punished as provided by the general law of Ohio.

