

Amend the Russell Township Zoning Resolution, Section 6 Conditional Use Regulations, adding new Section 6.5.J Retail Food Service as follows:

### **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.
6. General Site Development and Operational Standards
  - a. Retail Food Service shall take place in a building that is completely enclosed and constructed to be capable of all-season use.

- b. The nature and locations on the lot of all activities to be conducted outside of a completely enclosed building shall be accurately identified. The description of these activities shall include hours of operation, types of activities, and such other information necessary to determine the potential impacts of the proposed activity.
- c. Exterior lighting shall only be permitted in conformity with an approved lighting plan that complies with Section 4.14 of this Zoning Resolution and with the following:
  - i. All exterior lighting shall be extinguished outside of the hours of business operations, with the exception of safety/security lighting operated in conformity with an approved lighting plan.
  - ii. Maximum pole height shall be fifteen (15) feet, set back at least fifteen (15) feet from lot lines and thirty (30) feet from a residential 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 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.

Add to Section 2 Definitions:

**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.

**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.

Amend Section 4.7 Prohibited Uses as follows:

#### 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.
- 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 June 27, 1977 - Amendment No. 17)
- 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, bicycles, or snowmobiles shall be permitted within the Township. (Amended June 27, 1977 - Amendment No. 17)
- 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 services-operations shall be permitted within the Township. (Amended June 27, 1977 - Amendment No. 17)
- S. ~~No restaurants or carry-out food services shall be permitted within the Township. (Amended June 27, 1977 - Amendment No. 17)~~ Repealed as of \_\_\_\_\_, by Amendment No. \_\_\_\_\_.
- 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)

Amendment 2016-3 Exhibit A