

## INDEX

Page(s)			
1-4	Index		
5-25	Effective Change Dates to Township Zoning Codes		
26	Validity of Geneva Township Zoning Manual		
27	Preamble		
28	Article 1 – Title, Interpretation, and Enactment		
28		Section	100 - Title
28			110 – Minimum Requirements
28			120 – Seperability Clause
28			130 – Repeal of Conflicting Resolution
28			140 - Allowed Uses
29-40	Article 2 - Definitions		
41	Article 3 - Enforcement		
41		Section	300 – Zoning Permits Required
41			
41			301 – Contents of Application
41			302 – Approval of Zoning Permits
42			303 – Submission to Director of Transportation
42			304 – Expiration of Permit
42			312 – Records of Permits
42			320 – Failure to Obtain Permit
42			330 – Construction & Use as Approved
42			340 – Complaints Regarding Violations
43			350 – Penalties for Violations
43			360 – Schedule of Fees, Charges & Expenses
44	Article 4 – Non-Conformities		
44		Section	400 - Intent
44			410 - Incompatibility
44			420 - Hardship
44			430 - Lots of Record
45			440 - Uses of Land
45			450 - Structures
45-46			460 - Use of Structure & Land
46			470 - Repairs and Maintenance
46			480 - Conditional Uses not Non-Conforming Uses
47	Article 5 - Administration		
47		Section	500-Zoning Inspector Office
47			501-Duties of Zoning Inspector
47			510-Proceeding of Zoning Commission
48			511-Duties of Zoning Commission
48			520-Appeals Board Created
48			521-Proceedings of Appeals Board
48-49			522-Duties of Appeals Board
49			530-Duties of Zoning Bodies Relative to Appeals
49			540-Procedure for Appeals and Variances
49			541-Appeals
49			542-Story of Proceedings
50			543-Variances
50			544-Application for Variance
50			545-Supplementary Conditions and Safeguards
51			546-Public Hearing, Board of Appeals
51			547-Notice of Public Hearing

51			548-Notice to Parties
51			549-Action by Board of Appeals
51			560-Procedure and Requirements for Approval of Conditions use Permits
51			561-General Comments (Conditional Uses)
52			562-Contents of Application for Conditional Use
52-53			563-General Standards (Conditional Uses)
53-54			564-Specific Criteria (Conditional Uses)
54			565-Supplementary Conditions and Safeguards
55			566-Procedures for Hearing and Notice
55			567-Action by Appeals Board
55			568-Expiration of Conditional Permit
56	Article 6 - Amendments		
56		Section	600 - Procedure
56			601-General Comments
56			602-Initiation
56-57			603-Contents of Application
57			604-Transmittal to Zoning Commission
57			605-Submission to County Planning Commission
57			606-Submission to Transportation Director
57			607-Public Hearing
58			608-Newspaper Notice
58			609-Property Owners Notice
58			610-Zoning Commission Recommendation
58			611-Trustees Public Hearing
58			612-Trustees Action
59			613-Effective Date and Referendum
60	Article 7 – Provisions for Zoning Map		
60		Section	700-Official Zoning Map
60			710-Interpretation of Boundaries
60			720-Interpretation of District Boundaries
61	Article 8 – Establishments and Purpose of Districts		
61		Section	800-Intent
61			810-R-1 Residential
61			811-R-2 Residential
61			812-R-3 Residential
61			813-Recreational (REC)
61			814-Commercial (COMM)
62			815-Industrial (IND)
62			816-REC-COMM
62			817-Waste Management (WM)
63	Article 9 – District Regulations		
63		Section	900 – Compliance With
63			901-Schedule Adopted
63			902-Intent and Interpretation
64-65			903-R-1 Permitted Uses and Regulations
66-67			904-R-2-Permitted Uses and Regulations
67-68			905-R-3-Permitted Uses and Regulations
69-70			906-REC Permitted Uses and Regulations
71-73			906-A
73-74			907-COMM Permitted Uses and Regulations
74-77			908-IND Permitted Uses and Regulations
77			909-Waste Management
78	Article 10 – Supplementary Regulations		

78		Section	1000-General
78			1001-Dwelling Conversion
78			1001A-Manufactured Home Regulations
79			1002-Private Swimming Pools
79			1003-Lot Splits
79			1003A-Principal Building Per Lot
80			1004-Temporary Buildings
80			1005-Certain Vehicle Parking and Storage
81			1005A-Junk Storage Prohibited
81			1010-Supplemental Yard Regulations
81			1011-Corner Buildings Setback
82			1012-Intersection Visibility
82			1013-Front Yard Fence and Wall Restrictions
82			1014-Multi-Family Yard Requirements
82			1015-Architectural Projections
82			1016-Exceptions to Height Regulations
83			1020-Special COMM and IND Use Provisions
83			1021-Fire Hazards
83			1022-Radioactivity or Electrical Disturbance
83			1023-Noise
83			1024-Vibration
83			1025-Air Pollution
84			1026-Glare
84			1027-Erosion
84			1028-Water Pollution
84			1030-Enforcement Provisions
85			1031-Measurement Procedures
85			1032-Disaster Clean Up
85			1033-Prohibited Use in All Areas
86	Article 11 – Off-Street Parking and Loading Facilities		
86		Section	1100-Exceptions
86			1101-General Requirements
86			1110-Parking Space Dimensions
87			1111-Loading Space Dimensions
87			1112-Paving Space Dimensions
87			1113-Drainage
87			1114-Maintenance
87			1115-Lighting
88			1117-Screening/Landscaping
88			1121-Wheel Blocks
88			1122-Width of Driveway Aisle
88			1123-Access
88			1124-Width of Access Driveway
89			1130-Parking Space Requirements
89			1131-Residential
89			1132-Commercial
90			1133-Recreation Parking
90			1134-Institutional, Public/Quasi Public
91			1135-Schools
91			1136-Manufacturing (IND)
91			1140-General Interpretation
92	Article 12 - Signs		
92		Section	1200-Intent

92			1201-Governmental
93			1202-General Requirements
93			1203-Measurement
93			1210-Signs not Requiring a Permit
94			1211-Signs Permitted in any District Requiring Permit
94			1212-Signs Permitted in COMM and IND
95			1213-Signs Permitted in REC
95			1214-Temporary Signs
95			1215-Free Standing Sign COMM Only
95			1216-Wall Signs, COMM Non-Conforming Uses
96			1230-Political Signs
96			1240-Setbacks
96			1241-Off-Premises Signs Setback
96			1242-Public/QUasi Public Sign Setback
96			1243-Yard Provisions
97			1250-Limitations
97			1260-Violations
98	Article 13 – Mobile Home Park Regulations (R-2)		
98		Section	1300-General
98			1301-Siting Requirements
99			1302-Yard and Area
100	Zoning Permit Fees		
100		Residential Use	
100		Commercial Use	
100		Industrial Use	
100-101		Signs	
102-110	Geneva Township Zoning Map Changes		
111-113	Annexation And Detachment Of Territory		
114-115	Restrictive Covenant		
116	Officials Signatures		
Front Cover	Geneva Township Map		

**CHANGES AND ADDITIONS TO GENEVA  
TOWNSHIP ZONING CODE**

Includes changes effective on the following dates;

August 10, 1984

October 12, 1984

December 13, 1985

October 23, 1987

August 11, 1988

November 24, 1989

May 24, 1990

November 26, 1993

September 13, 1996

September 12, 1998

May 18, 2000

July 11, 2003

June 25, 2005

July 11, 1984  
Effective August 10, 1984

Hearing on rezoning called to order at 9:09 p.m.

Present were Watkins, Pasqualone, Pruden and Clerk Ward.

In reference to rezoning certain premises at 4738 South Ridge East, Geneva Township from Residential District (R-1) to Commercial District.

It was moved by Pruden and second by Watkins to amend the Zoning Text to allow Ambulance Service as a permitted use under Section 903 Residential District (R-1). Watkins – Yes; Pruden – Yes; Pasqualone – No. Motion carried by majority vote.

Mr. Chaney is to apply to the Zoning Board of Appeals for a Permitted Use Permit (non-transferable) to operate his ambulance service in a Residential District (R-1). The Board of Appeals is requested to waive any permit fees.

In reference to rezoning of a tract of land approximately 133 acres in the northwesterly portion of Lot 11, Section Two, Geneva Township, which tract adjoins acreage on east side of State Route 534 presently zoned Commercial, to a Commercial – Recreational.

It was moved by Watkins and second by Pasqualone to amend the Zoning Text (Rezone) to establish a Commercial-Recreational District for this tract of approximately 150 acres of land and to include as a Permitted Use's in this District the following: camp grounds – overnight, weekly or seasonal, with no time sharing or similar developments allowed; picnic areas, open air theaters, water slides, go cart track, handball and/or racquet club, gun club, riding stable, golf courses (all types), swimming pools, one (1) managerial residence (one (1) family only), horse riding club, lakes and ponds, ski and bob sled runs with lifts and those General Requirements listed in Section 906 would apply to this District also. Watkins – Yes, Pasqualone – Yes, Pruden – Yes. Motion carried by unanimous vote.

It was moved by Watkins and second by Pasqualone to adjourn. Motion carried with 3 ayes. Adjourned at 10:35 p.m.

Ray A Watkins, Chairman  
D. E. Ward, Clerk

Effective October 12, 1984

From minutes of September 12, 1984

It was moved by Pruden to rescind the motion of July 11, 1984, which reads: to amend the Zoning Text to allow Ambulance Service as a permitted use under Section 903 Residential District (R-1), which was second by Watkins. Motion rescinded by unanimous vote of 3 ayes.

It was moved by Pruden and second by Watkins to amend the Zoning Text to allow Ambulance Service as a permitted use under Section 903 Residential District (R-1). Motion carried with 3 ayes.

Watkins contacted East Ohio Gas Co. in regards to the running of gas line on East Maple from Austin Road. Cost will be \$7.50 per foot with the first 100 feet being free.

Richard Borcicky, President of the Spencer PTA, proposed the elimination of "Trick or Treat" night, to be replaced with a Halloween party at Spencer School.

It was moved by Pasqualone and second by Pruden that we contribute \$400 to the Spencer PTA for a Halloween Party in lieu of a "Trick or Treat" night, along with the possibility of an additional \$100 to be contributed if needed. Motion carried with 3 ayes.

Pasqualone noted that feet are dragging on the proposed paving of County Line Road Don Ward's services have been volunteered to help Betty Johns with this project.

Pruden handed out lists of past Trustees and Clerks.

Pasqualone received complaints from people on West Maple Avenue on the parking of road paving equipment on private property.

Watkins noted that Stowe Wrecking will have equipment to handle our road equipment in the event of problems this winter.

Watkins received plans from Dickson & Dickson for the improvement of our East Maple Avenue property.

Gary Farley presented the Fire report for the month of August 1984.

It was moved by Pasqualone and second by Pruden to adjourn. Motion carried with 3 ayes.

Adjourned at 9:50 P.M.

Ray Watson chairman

D. E. Ward clerk

November 13, 1985  
Effective December 13, 1985

The public hearing on the proposed rezoning of a tract of 12.695 acres on the west side on South Myers Road adjacent to the southerly right of way line of the railroad, in Geneva Township, was called to order at 7:30 p.m.

Present were Pasqualone, Pruden, Watkins and Clerk Ward.

Discussion followed with few suggestions being submitted, such as adding golf driving range with a minimum of 200 feet as permitted use.

It was moved by Pasqualone and second by Pruden to amend the Zoning Text as follows:

Article 9, Section 906 under Permitted Uses to read, Item M. Golf Driving Range and/or Miniature Golf Course.

Item N Accessory Uses. \* See List.

Motion carried with 3 ayes.

It was moved by Pasqualone and second by Pruden to amend the Zoning Text as follows:

Article 9, Section 906 under General Requirements of the Recreational District, and to add Golf Driving Range and/or Miniature Golf Course with a minimum of 10 acres and 200 feet frontage. Motion carried with 3 ayes.

It was moved by Pruden and second by Watkins to accept the Geneva Township Zoning Commission recommendation and approve the rezoning of a 12.695 acres, owned by Donald O. Freese, on the west side of South Myers Road adjacent to the southerly right of way line of the railroad, in Geneva Township, from R-1 Residential District to Recreational District; and the following addition to the Zoning Resolution, Article 9, Section 906, Permitted Use – Item M. Golf Driving Range and/or Miniature Golf Course. Motion carried with 3 ayes.

It was moved by Watkins and second by Pruden to adjourn the hearing. Motion carried with 3 ayes.

Hearing adjourned at 7:51 p.m.

Effective October 23, 1987

Hearing of September 23, 1987 on the proposed amendment to the Zoning Text, to allow Radio and TV receiving and transmission towers, under Section 903, Conditionally Permitted Uses, in R-1 Zone, called to order at 7:30 p.m. by Chairman Borcicky.

Present were Pasqualone, Borcicky, Pruden and Clerk Ward.

Gary Pasqualone, Counsel for WDON, requested that the set back be modified to 50% of the height of the tower.

Al Munson of County Line Road, asked if the tower will interfere with his TV? The answer was that nothing could be foreseen. He also questioned whether or not there would be a water problem because of the road to the transmission tower. He was also informed that no water problem should exist and that the road should give better drainage.

Crawford questioned the distance of guide lines from the tower.

It was moved by Pasqualone and seconded by Pruden that the Zoning Text be amended as follows: to allow Radio and TV receiving and transmission towers, under Section 903, Conditionally Permitted Uses, in R-1 Zone:

Add: B. Radio and TV receiving and transmitting towers. And add under general requirements R-1, that Radio and TV Towers minimum set-back from any dwelling or lot line, front, side or rear, shall be equal to two-thirds of the finished height of the Radio or TV Tower. The base of the tower shall be enclosed with a six (6) foot high fence. All conditions specified in Section 561 thru 588 inclusive as amended, shall apply to a Conditional Permitted Uses for Radio or TV Towers. Motion carried with 3 ayes.

It was moved by Pasqualone and seconded by Pruden to adjourn hearing, Motion carried with 3 ayes.

Adjourned at 8:00 p.m.

July 12, 1988  
Effective August 11, 1988

Hearing on Amendments to the Geneva Township Zoning Resolution called to order at 8:00 p.m. by Chairman Pasqualone.

Present were Pruden, Pasqualone, Bromley and Clerk Ward.

Discussion was held with the thirteen (13) people present on the proposed resolution to amend the Geneva Township Zoning Resolution adopted April 13, 1983.

**RESOLUTION**  
GENEVA TOWNSHIP, ASHTABULA COUNTY

WHEREAS, Section 519.02, The Revised Code of Ohio, empowers said Board of Township Trustees to amend the Geneva Township Zoning Code in accordance with the provisions of said Section 519.01 et seq.; and whereas said Board of Trustees unanimously believe that for the good of the Geneva Township Zoning Code, the following amendments be adopted;

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Geneva Township, Ashtabula County, State of Ohio, this 12<sup>th</sup> day of July 1988, in formal session convened, the following amendments to the Geneva Township Zoning Plan be adopted.

The following be Added in all Districts under Permitted USES:

MANUFACTURED HOMES (As regulated in these Regulations Article 10, Section 1001A)

The following be DELETED:

In District R-1, Delete Ambulance Service as a Permitted Use.

In District R-1 and R-2, Delete Beauty Shop (Barber) as a Home Occupation Allowed.

The following be ADDED in Sections 903, 904, 906, under Dwelling Square Feet, Tip Outs and Add On's, So as to read: Exclusive of porches, garages, breezeways, attics, cellars, tip ons and add ons.

The following be ADDED to Article 10, SUPPLEMENTARY DISTRICT REGULATIONS:

Section 1001A

MANUFACTURED HOME REGULATIONS:

1. The Tongue, Wheels and Axles to be removed.
2. All units must conform to the Federal Mobile Home Construction and Safety Standards (HUD).
3. All units to be placed on a Permanent Foundation, piers are considered as permanent foundation but in addition to the piers, there must be a frostwall as specified by Ashtabula County Building Department.

- 4. The Title of Manufacturers Certificate of Origin must be submitted to the County Auditors Department along with a copy of the Certificate of Occupancy issued by the Building Department for the purpose of Tax and Real Property. A Bond in the amount of \$300.00 shall be posted and said bond shall be refunded upon verification from the Auditors Department that said Title was submitted. Failure will result in forfeiture of the bond and possible Legal Action.

Section 605 to be changed to read as follows:

SUBMISSION TO COUNTY PLANNING COMMISSION.

Within five (5) days after the adoption of a motion by the Commission on the filling of an application by at least one (1) owner, the Zoning Commission shall transmit a copy of such motion, resolution, or an application, together with text and map pertaining to the case in question to the County Planning Commission, The County Planning Commission shall recommend the approval or denial 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,.

Section 903, Change under Dwelling Square Feet as follows:

- 1 FAMILY -----1100 Square Feet
- 2 FAMILY -----1 Bedroom 800 square feet
  - 2 Bedroom 1000 square feet
  - 3 Bedroom 1200 square feet

Section 904, Change under Dwelling Square Feet as follows:

- 1 Family permanent-----1100 square feet

UNDER PERMITTED USE  
 A. Delete (Seasonable and Permanent)

Under Mobile Homes amend to read:

All new and/or replacement mobile homes shall meet the existing zoning and building code as stated in ARTICLE 10, Section 1001A.

Section 905, Change under Square Feet per Dwelling unit:

- 1 FAMILY -----1100 Square Feet
- MULTI FAMILY -----1 Bedroom 800 square feet
  - 2 Bedroom 1000 square feet
  - 3 Bedroom 1200 square feet

Section 907, Add the following under Permitted Uses:

- R. Boat Storage and/or Repair.
- S. Beauty Shops, Tanning Salon, Barber Shop.
- T. Ambulance Service

ARTICLE 10, add the following Section:

Section 1033, PROHIBITED USE IN ALL AREAS:

No landfills, Brine Injection Wells  
No Commercial Disposal or Septage Sludge from any Sewage Plant or Commercial Disposal of any Septic Tank Effluent.

ARTICLE 2 – Add the following Definition:

MANUFACTURED HOME: Any non-self-propelled vehicle transportable in one or more sections, and which is built on a permanent chassis and originally designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any such structure as defined in the preceding sentence shall be a Manufactured Home for purposes of this resolution whether or not such structure is subject to taxation under Section 4503.06 of the Ohio Revised Code or it's successor provisions as a manufactured home, and whether or not such structure is permanently attached to a site and no longer has the potential for mobility, by reason of, but not limited to, lack or surrender of any manufactured home title, physical alteration such as removal of towing tongue, and/or situation on property owned by the owner of such structure. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows.

Mr. Pruden moved the adoption of the above Resolution.

Mr. Bromley seconded the move for adoption and the rollcall being called on its adoption, the vote resulted as follows: Mr. Pasqualone voted aye; Mr. Pruden voted aye; Mr. Bromley voted aye.

THEREUPON the Chairman declared such Resolution duly adopted.

It was moved by Pruden and seconded by Pasqualone to adjourn the hearing. Motion carried with 3 ayes.

Adjourned at 8:55 p.m.

Chairman Peter A. Pasqualone  
Clerk D. E. Ward

Effective November 11, 1989  
From minutes of September 27, 1989

It was moved by Pasqualone and seconded by Bromley to make changes as advised by the Planning Commission and additions to Geneva Township Zoning Resolutions as follows:

UNDER DEFINITIONS

Add on Page #13

RECYCLING CENTER: A facility primarily concerned with the acquisition and processing of reusable materials for sale or reuse.

Include on Page 13 under definition of right-of-way, All roads dedicated to the Township must meet all specifications established by the Township and County Engineer before acceptance for public use and maintenance by the Trustees.

Add on Page #14

**SANITARY LANDFILL:** A facility which buries waste in accordance with Federal EPA, Sate EPA and Local Health Department guidelines.

Add on Page #16

**WASTE REDUCTION FACILITY:** A facility primarily concerned with the volumetric reduction of waste stream and transportation of the waste to a conventional waste disposal facility.

Add on Page #4

**BOAT STORAGE** is the area used to store licensed water craft on a commercial basis.

SECTION 908, Page 58 after list of Permitted USE, add:

**CONDITIONAL USE:**

- A. Waste Reduction – Recycling center facility must comply with State and Federal EPA and also with local Health Department Regulations.
- B. Sanitary landfills – Minimum of 250 acres required. All Federal EPA, State EPA, Health Board Regulations must be met.

SECTION 908, Page 58 – Change HEIGHT LIMITS to read:  
Feet in height.

SECTION 908, Page 59 – Change UTILITIES to read:

All supplies of water and the needed sewerage system shall be controlled by the necessary public body or an EPA approved waste handling system in lieu of public sanitary sewers.

ARTICLE 9, Section 815 – delete on Page 44

AFTER THE WORD Glare, (OPERATE ENTIRELY WITHIN AN ENCLOSED STRUCTURE)

SECTION 816, Add to read:

REC-COMM: This district is a combination of recreational (REC) SECTION 906 and (COMM) Section 907 and must conform to both sections.

RESOLUTIONS July 12, 1988

SECTION 903, 904 and 906 - Delete tip-outs and add-ons.

SECTION 907

Add: **BOAT STORAGE / REPAIR** – Area for boat storage must be surrounded by a visual barrier 6 feet in height. Delete under Permitted use “R” and add under Conditional Use.

SECTION 1033, Change to read:

No Landfills, brine injection wells except as permitted in Section 908.

SECTION 903, Page 47

**LOT AREA AND WIDTH** – Change to read:

**SEPTIC SEWERAGE** – 1 acre – 200 foot frontage on a dedicated highway accepted by the Trustees.

**PUBLIC SANITARY SEWERAGE** – 1/2 acre – 100 foot frontage on a dedicated highway accepted by the Trustees.

## SECTION 904, Page 49

LOT AREA AND WIDTH – Change to read:

One Family Permanent, Seasonal or mobile residential unit.

SEPTIC SEWERAGE – 1 acre x 200 feet frontage on a dedicated highway accepted by Trustees.

PUBLIC SANITARY SEWERAGE – ½ acre a 100 feet on a dedicated highway accepted by Trustees.

All Lot frontage shall be measured at the building set-back line and the frontage must be continuous.

## SECTION 904, Page 50

FRONTAGE NEEDS – Change to read;

200 feet frontage on a dedicated highway accepted by the Trustees for a multi-family or condominium development. All lot frontage shall be measured at the building set-back line and the frontage must be continuous.

## Section 906, Page 53

Add after list of Uses and Frontage – All frontages listed above must be on a dedicated highway accepted by the Trustees as measured at the building set-back line and the frontage must be continuous.

## SECTION 907, Page 56

LOT AREA AND WIDTH – Change to read:

All commercial uses shall have a frontage as measured on a continuous basis at the building set-back line of 100 feet on a dedicated highway accepted by the Trustees. Minimum Lot area required shall be not less than Forty-Three Thousand Five Hundred (43,500) square feet, exclusive of road right-of-way and shall be in addition to any easement.

## SECTION 908, Page 59

LOT AREA AND WIDTH – Change to read:

All L-M industrial uses shall have a frontage of 200 feet on a dedicated highway accepted by the Trustees and a minimum lot area of five (5) acres (lot area not to include road right-of-way). All lot frontages must be measured on a continuous basis at the building set-back line. Minimum lot area of 250 acres is required for a sanitary landfill.

This proposal was approved with 3 ayes.

Adjourned at 10:10 p.m. by common consent.

Chairman Richard A. Pruden  
Clerk D. E. Ward

Effective November 2, 1993  
From minutes of October 27, 1993

It was moved by Pruden and seconded by Bromley to adopt a Comprehensive Plan in relation to our zoning text as recommended by the County Planning Director, Hugh Thomas, based on the following publications:

1. Overall Economic Development Program – Ashtabula County 1988
2. Ashtabula County Drainage Study & Recommendations – Report of the County Commissioners' Appointed Drainage Committee. April 19, 1990.
3. Ashtabula County Major Thoroughfare Plan – Ashtabula County Planning Commission – August 1989.
4. Ashtabula County Land Use 1977.
5. Ashtabula County Housing Study – June 1977. Ashtabula County Planning Commission.

THE ABOVE PUBLICATIONS AS APPLIED TO GENEVA TOWNSHIP.

Motion carried with 2 ayes.

Bromley stated that we received money from State of Ohio for snow emergency in March 1993. Amount \$1,351.00.

Hearing for the Smith Case is Friday, November 5, 1993, at 9:00 a.m. in Judge Yost's Office.

Form 328, FCC Rate Certification to regulate base rates of Cable Companies. Note to file before November 15, 1993.

Trustees to go to the County Engineer's Office to sign the ANNUAL TOWNSHIP HIGHWAY SYSTEM MILEAGE REPORT, thereby certifying the total eligible number of miles for Geneva Township, November 3, 1993.

A letter was received from the County Prosecuting Attorney, Gregory Brown, in regards to Pasqualone inquiry as to the status of the Bromley v. Davis (Iapaola Case).

It was moved by Pruden and seconded by Bromley to adjust Gas Tax Fund as follows: \$3,000.00 from 03-B-02 Material to 03B03 Contracts. Motion carried with 2 ayes.

It was moved by Pruden and seconded by Bromley to adjourn. Motion carried with 2 ayes.

Adjourned at 3:40 p.m.

Clerk D. E. Ward  
Chairman Richard A. Pruden

November 3, 1993  
 Effective November 26, 1993

CHECK REGISTER REPORT

RPTA20901

GENEVA TOWNSHIP

Check #	Check Date	Vendor / Payee		Check Amount
1476	11/03/93	Gordon L. Schupska		402.49
1477	11/03/93	James C. Burhenne		540.49
1478	11/03/93	Robert W. Weimer		602.15
1479	11/03/93	Ashtabula County CSED	93-0041	116.75
		<b>Total</b>		\$1,661.88

Hearing of November 3, 1993, in regards to the Decision on the Zoning Text and Map called to order by Chairman Bromley at 7:30 p.m.

Present were Pasqualone, Bromley, Pruden and Clerk Ward.

It was moved by Pruden and seconded by Pasqualone to adopt the entire resolution as revised including the modification to delete under C 41 after the word purposes and under 912, after each word permitted, insert with ten (10) feet of the road right-of-way and also adopt the Township Map, as recommended by the Zoning Commission and the Ashtabula County Planning Commission. Pasqualone – Yes; Bromley – Yes; Pruden – Yes. Motion carried.

It was moved by Pasqualone and seconded by Pruden to vote on the amendments to the Zoning Text and Township Map, at the primary in the Spring of 1994. Motion carried with 3 ayes.

Adjourned by common consent at 7:48 p.m.

Chairman Bromley  
 Clerk D. E. Ward

August 14, 1996  
Effective September 13, 1996

Trustees Zoning hearing of August 14, 1996, called to order by Chairman Bromley at 7:05 p.m.

Present were Pasqualone, Bromley, Pruden and Clerk Ward.

Business was to clarify Township Zoning Resolutions according to Bromley.

It was moved by Pruden and seconded by Pasqualone to clarify Geneva Township Zoning Resolutions under, definitions – BUILDING LINE – Delete: A line established by the zoning resolution, generally parallel with and measured from the lot line to the outside foundation lines of the principal building, defining the placement of the building on the lot.

Add: See Setback Line Under Revisions to Zoning Resolution Effective November 24, 1989. Change Section 904, Page 50 to read Section 905, Page 50 Under Section 903 Page 47 LOT AREA AND WIDTH.

All lot frontage shall be measured at the building set back line and the frontage must be continuous.

Delete the word “BUILDING”, as above, also delete the word “BUILDING” in the phrase “Building Set Back Line: in the following sections:

1. Section 904 Page 49 Lot Area and Width
2. Section 905 Page 50 Frontage Needs
3. Section 906 Page 53 After list of Uses and Frontage
4. Section 907 Page 56 Lot Area and Width
5. Section 908 Page 59 Lot Area and Width

Add Under Lot Measurements Page 10

#### DEFINITIONS

3. In all districts, the front yard setback shall be measured from the road right of way line.
4. On Cul-De-Sacs and Curvilinear Roads, the minimum frontage shall be measured at the 80 foot setback line for residential districts and at 100 foot for all other districts.

Pasqualone – Aye; Bromley – Aye; Prudent – Aye  
Township Zoning Resolution passed.

It was moved by Pasqualone and seconded by Pruden to adjourn zoning hearing. Motion carried with 3 ayes.

Adjourned at 7:15 p.m.

July 29, 1998  
Effective September 12, 1998

The following Geneva Township Zoning Public Hearing was held July 29, 1998 at the Township Meeting Room.

In compliance with Geneva Township Zoning Procedures and in regards to Geneva Township Zoning Commission's approval on June 30, 1998, of the following Geneva Township Zoning Amendments, a public hearing was held on July 29, 1998, at 7:00 p.m. by the Township Trustees.

At 7:00 p.m. Chairman Pasqualone called the public meeting to order and appointed Trustee Pruden as Acting Clerk of the hearing.

Present were Pasqualone, Bromley and Pruden. Clerk Ward was absent.

Pasqualone read amendment recommendation 1 which read:

1. Add to Section 908 following Permitted Uses as follows:

Conditional Use:

Recycled Rubber Products

All scrap tires and rubber belting products are to be stored off the ground in not more than (30) thirty trailers with limited visibility from the road.

The Facility must meet all applicable Ohio E.P.A. requirements and the requirements of the Ashtabula County Health Department.

Discussion was held on amendment recommendation 1. Sandy Schroll of Creative Environmental Solutions, Inc. stated only 10 to 15 trailers at one time would be used at the proposed site.

Pasqualone moved for approval of amendment 1 with the stipulation that a performance bond of \$50,000 be filed with the Board of Township Trustees, payable to the State of Ohio and the Township and conditioned on the faithful performance of all requirements contained in the Approved Restoration Plan. The bond shall be released upon written certification of the zoning inspector that restoration is complete. Bromley seconded the motion. The motion passed unanimously on a roll call vote.

Discussion was then held on amendment recommendation 2 which read:

2. Add to Section 906-A following Permitted Uses as follows:

Conditional Use:

Motor Cross – Two and four wheel vehicles racing area to be used during daylight hours only. The minimum acreage shall be (50) fifty acres and the required frontage shall be (200') two hundred feet with fencing around the track area.

Mike Camilly of the proposed motor cross project was present at the hearing. Pruden moved for approval of amendment 2 as approved by the Zoning Commission. Bromley seconded the motion. The motion passed unanimously on a roll call vote.

The Public Hearing was adjourned at 7:15 p.m. on a motion by Pruden and a second by Bromley.

Chairman Peter Pasqualone  
Acting Clerk Richard Pruden

August 12, 1998  
Effective September 12, 1998

The regular meeting the Geneva Township Trustees was called to order at 7:30 p.m. on August 12, 1998, by Chairman Peter Pasqualone in the Township Building with the Pledge of Allegiance.

Pruden was appointed as Acting Clerk for the meeting.

Present for the roll call were Pasqualone, Bromley, and Pruden. Clerk Ward was absent.

The minutes for the regular meeting and budget hearing of July 8, 1998, were read and approved.

The minutes of the Geneva Township Zoning Public Hearing meeting held July 29, 1998, were corrected to read:

“Pasqualone moved for approval of Amendment 1 with the stipulation that a performance bond of \$50,000 be filed with the Board of Trustees, payable to the State of Ohio for the use of Geneva Township. This bond is to ensure that all Ohio E.P.A., state and local fire codes regarding storage and use of tires are followed. The financial assurance is a guarantee that funds will be available to cover the cost of removing all scrap tires stored at the facility and cleaning up any machinery and buildings at the facility when the facility ceases the use of scrap tires and/or rubber belting products in their manufacturing process. This is to be accomplished within one year of cessation of operations. The bond shall be released upon written certification of the zoning inspector that all scrap tires and/or rubber belting have been properly removed from the site.”

The minutes were approved as corrected.

April 19, 2000

Effective May 18, 2000

Meeting was called to order by Chairman Pruden at 7:00 p.m. Attending were Trustees Pasqualone, Bromley, Pruden, and Clerk Long. The changes being proposed by the Zoning Commission were covered. Chairman Pruden pointed out that Section 1005 Parking and Storage of certain vehicles will retain the current language presently in the zoning code. He also presented a letter from the Planning Commission in respect to the changes being recommended. The first area of disabled vehicles was changed to two separate items, one for disabled recreational vehicles, trailers, and mobile homes. The other for disabled autos, trucks, etc. which has the same definition, but can be a maximum of three vehicles.

The motor cross definition was changed to read motor cross for commercial purposes. This was to clarify between commercially held events and just family gatherings on the individual's property.

Next area covered was a supplemental district regulation. A discussion followed in respect to that regulation for clarification purposes. It was indicated that there can only be one primary residence on a lot; however, there may be additional buildings which are not residences.

Section 1005A Junk Storage Prohibited: A great deal of discussion took place; however, the proposed language remains the same as presented.

Section 1023 Noise: There was some question as to whether or not a measuring device was available at this point and it was pointed out that there was not.

The only change that took place was the final line, which was changed to read "all noise levels to be measured from the nearest complainant's residence".

A motion by Trustee Pasqualone, seconded by Bromley and unanimous consent the Trustees will vote upon the proposed amended changes at the regular Trustees Meeting on April 26.

There being no further business, the meeting was adjourned at 8:20 p.m.

Chairman Richard Pruden

Clerk Tony Long

April 26, 2000  
 Effective May 18, 2000

To Article 2 DEFINITIONS, add the following in the proper alphabetical spot:  
DISABLE VEHICLES, TRAILER, MOBILE HOME:

- Any type of recreation vehicle, trailer, mobile home that meets any one of the following criteria:
1. does not have a current license, or a license plate expired not more than six (6) months
  2. is apparently mechanically inoperative
  3. is extensively damaged (i.e. missing wheels, motor, tires or transmission)
  4. is in a dilapidated or broken down state.

Motor Cross for Commercial Purpose

- 1.a. A motorcycle or an all terrain vehicle race over a tight closed course over natural terrain, including hills, sharp turns, and often mud.

To Article 9 SUPPLEMENTARY DISTRICT REGULATIONS

Section 900 COMPLIANCE WITH REGULATIONS

- 1.a. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) primary residence on one (1) lot.

To Article 10 SUPPLEMENT DISTRICT REGULATIONS

Section 1005 PARKING AND STORAGE OF CERTAIN VEHICLES Retain the current language.

Section 1005 A JUNK STORAGE PROHIBITED

The accumulation or storage of junk, including junk vehicles, disabled vehicles as defined in Article 2, or in operative machinery or equipment, vehicles, machinery parts, rags or other discarded objects or debris as defined in the Ohio Revised Code, shall be prohibited, except as stored in an approved / licensed junk yard, and said junk shall be removed within thirty (30) days after receiving a violation notice from the Zoning Inspector. Failure to comply with the provisions of this section shall be subject to the penalties set forth in Article 3 ENFORCEMENT Section 350 PENALTIES FOR VIOLATION.

SECTION 1023 NOISE: Add the following after the word, “requirement” When Decibel Measuring Equipment is available to the Zoning Inspector, then any machinery, electronic device, or contrivance, which will generate noise levels in excess of the maximum of the sound pressure levels outlined in the following chart is prohibited. The perpetrator of the noise shall upon notice of the Zoning Inspector cease and desist from making said noise or be subject to the provisions of Article 3 Section 350.

<b>Octave Band Sound (Cycles per second)</b>	<b>Pressure Level (in scales A decibels)</b>
<b>20-75</b>	79
<b>75-150</b>	74
<b>150-300</b>	66
<b>300-600</b>	59
<b>600-1200</b>	53
<b>1200-2400</b>	47
<b>2400-4800</b>	41
<b>Above 4800</b>	39

All noise levels to be measured from the nearest complainant’s residence.

June 11, 2003  
Effective July 11, 2003

Delete Section 1001A Manufactured Home Regulations

Add:  
Manufactured Home Regulations

Single Family Dwellings; Detached, individual dwelling units that accommodate one family related by blood or marriage or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform to either the OBOA or CABO One and Two family dwelling code, be classified as an Industrialized unit under the Ohio Basic Building Code, or conform to the definition of permanently sited manufactured housing contained in Senate bill 142 of the 122<sup>nd</sup> General Assembly.

Permanently Sited Manufactured Housing must:

- 1) Be manufactured pursuant to the HUD Code manufactured after January 1, 1995.
- 2) Be bolted to a permanent frost-free foundation at least 3'6" inches below grade. In addition to needed piers, a cemented crawl space or a full basement with cement block walls (poured concrete, brick permitted).
- 3) Structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 1100 square feet, excluding garages, porches, or attachments.
- 4) Be connected to appropriate facilities.
- 5) Have a conventional residential siding, a 6" minimum eave overhang, and a minimum "A" roof pitch of 3:12.
- 6) Have removed indication of mobility (Temporary axles, trailer tongue, running lights) upon placement upon its foundation.
- 7) Be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the county auditor upon its placement on its permanent foundation, and such surrender shall be notice to the auditor to tax the structure as real property from that day forward. A bond in the amount of \$300.00 shall be posted and said bond shall be refunded upon verification from the auditor that said title was submitted.
- 8) Meet all applicable zoning requirements (lot size, setback, etc.)
- 9) The structure is not located in a manufactured home park as defined in Section 3733.01 of the Revised Code.

Add on Page 72

Section 1003 Lot Splits

Plat subdivisions

The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres, not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building site, shall be exempted.

Any lot split must meet all applicable zoning requirements.

Add to Index Page 3

Page 72 Section 1003 Lot Splits

Page 94 Geneva Township Zoning Map Changes, add to bottom of list:

September 11, 2002

Romeo property on Route 20 West owned by Geneva City, annexed to Geneva City 96.3568 acres.

Page 104 Add to bottom of list

2772

August 12, 2002, Accepting application of James Pearson, City Manager, Geneva, Ohio of 96.3568 acres of property formerly owned by Amelia P. Romeo including Parcel Numbers 17-007-00-066-00, 17-008-00-024-00, and 17-008-00-025-00.

May 25, 2005

Effective June 25, 2005

Regular meeting, Geneva Township Trustees, May 25<sup>th</sup>, 2005

Public Hearing in respect to zoning changes was opened by Chairman Pruden at 7:00 p.m. Those present were Mr. Pasqualone, Mr. Mills, Mr. Pruden and Mr. Long.

Mr. Pruden explained the procedure of the hearing as well as the process for instituting the changes. The biggest area was lot size, which is being recommended by the County Health Dept. and affects lots after Nov 1<sup>st</sup>, 2004. All previous lots would be grandfathered.

Mr. Pasqualone made the motion that we adopt all the changes as originally presented, it was seconded by Mr. Pruden and unanimously passed. It was also stated that if an area is less than 2 acres and it is approved by the Health Dept., the township would then issue a variance to allow building to proceed.

There being no further business in respect to the public hearing, the meeting was adjourned at 7:15 p.m.

The regular meeting was called to order by Chairman Pruden at 7:30 p.m. Those present were Mr. Mills, Mr. Pasqualone, Mr. Pruden and Clerk Long.

Minutes of the previous meeting were approved as presented. Bills in the amount of \$28,109.45 covered by warrant number 10261-10286 were unanimously approved on a motion by Mr. Pruden and a second by Mr. Pasqualone.

Mr. Cerjan gave the zoning dept. report. He indicated he had issued one permit for an addition to a trailer. The barns on N. Meyers that are falling down, the owners have been contacted and they will be removed. In one case the owner is new and he will remove the barn after he takes possession. Mr. Cerjan indicated he has had several inquiries in respect to property within the township being checked for different businesses.

Mr. Mills indicated that an area on Route 534, almost across from the airport has several junk cars, Mr. Cerjan will check it out.

Mr. Schupska gave the road dept. report. He indicated that the grindings we had ordered should be delivered in the next week and a half. We have presently been completing on New London and Woodside, berm and driveways after the completion of the paving by Velotta. We have been cold patching where there are bad areas within the township. Recently the 99 truck transmission problems have delayed some of these projects. The truck should be returned on May 27<sup>th</sup>.

A report on the cleanup day went very well at the landfill. Both Mr. Pasqualone and Mr. Schupska had indicated that several residents on New London Rd. have called and reported how pleased they were with the new road. Mr. Long talked to the mail carrier from the Ashtabula Post Office who also indicated that the new road was very nice. Mr. Pasqualone indicated that Velotta Paving will bill about an additional \$4,000.00 over the original bid for driveways that were not part of the original contract, which we instructed them to complete.

Mr. Pasqualone also reported we did not get the Issue 2 approval for Barnum Rd. He indicated no one in our area received any of the small government grants. Mr. Pasqualone has submitted the preliminary Issue 2 plan for Lake Rd., which is a joint project with Geneva on the Lake. He indicated we were high on the list for the County Ditching Program and the new striping procedure will be that we will pay direct to the supplier for the paint, the county will do the work.

**Validity of Geneva Township Zoning Manual  
Dated April 13, 1983  
Upheld by the Following Court Cases:**

- a) Ashtabula County Common Pleas Court  
March 16, 1995  
Case No. 92949
  
- b) Court of Appeals-Eleventh District  
June 17, 1996  
Case No. 95-A0019
  
- c) Supreme Court of the State of Ohio  
December 18, 1996  
Case No. 96-1773

## PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF GENEVA, ASHTABULA COUNTY, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN BASED ON THE FOLLOWING ASHTABULA COUNTY PUBLICATIONS AS APPLICABLE TO GENEVA TOWNSHIP (See Box Below) AND THE PROVISIONS OF CHAPTER 510, OHIO REVISED CODE, DIVIDING THE UNINCORPORATED PORTION OF THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND: PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, COMMERCIAL, MANUFACTURING, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION, DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE; AND FOR THE REPEAL THEREOF, THEREFORE BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF GENEVA TOWNSHIP, ASHTABULA COUNTY, STATE OF OHIO:

1. Over all Economic Development Program -- Ashtabula County 1988.
2. Ashtabula County Drainage Study & Recommendations -- Report of the County Commissioners Appointed Drainage Committee. April 19, 1990
3. Ashtabula County major Thoroughfare Plan -- Ashtabula County Planning Commission. August 1989.
4. Ashtabula County Land Use 1977.
5. Ashtabula County Housing Study -- Ashtabula County Planning Commission. June 1977

ARTICLE 1  
TITLE, INTERPRETATION, AND ENACTMENT

Section 100

TITLE

This resolution shall be known and may be cited to as the "Zoning Resolution of the Township of Geneva, Ashtabula County, Ohio."

Section 110

PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

Section 120

SEPARABILITY CLAUSE.

Should any section or provision of this resolution be declared by the courts 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.

Section 130

REPEAL OF CONFLICTING RESOLUTION, EFFECTIVE DATE

All resolutions or parts of resolutions or zoning maps in conflict with this zoning resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law.

Section 140

ALLOWED USES

All uses allowed are so listed in this amended text and any future amendment. If a proposed use is NOT listed in this or any future amended text it shall not be allowed.

## ARTICLE 2

## DEFINITIONS

## INTERPRETATION OF TERMS OR WORDS:

For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, and the word "may" is permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel."

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

AGRICULTURE: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary building, and open spaces.

ALLEY: See THOROUGHFARE.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

ASSEMBLY HALL: A public or quasi- public meeting place associated with a community center, church (temple), or school.

AUTOMOTIVE REPAIR: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, AND FARM IMPLEMENT SALES: The sale or rental of new and/or used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

AUTOMOTIVE WRECKING: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

BASEMENT: That portion of a building which is partly underground and which has one-half or more of its ceiling height above the average finished grade of the ground adjoining the building. (See: CELLAR)

**BOAT STORAGE:** is the area used to store more than one water craft.

**BUILDING:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**BUILDING AREA OF:** See FLOOR AREA

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE:** See SETBACK LINE.

**BUILDING PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**CELLAR:** That portion of the building wholly below, or with less than half of its ceiling height above the average finished grade of the ground adjoining the building. (See BASEMENT)

**CAMPGROUND:** A land area, either public or private, divided into sites designated for tents and/or recreation vehicles. A campground may offer these sites for over-night, weekly, monthly, or seasonal usage. All campgrounds shall meet all existing State, County, or Township regulations. There may be one (1) managerial residence located on the campground acreage.

**CEMETERY:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**CHAIRMAN:** Wherever used in this resolution shall include presiding officer of either male or female sex.

**CHANNEL:** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**CHURCH (TEMPLE):** A building designated as a place of worship by one or more religious denominations. The acreage involved may include one parsonage and/or a church school. All churches shall be located on a major State, County, or Township highway.

**CLINIC:** a place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured person, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

**COMMERCIAL:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also provide the more durable and permanent needs of the whole community. Commercial uses include, but need not be limited to, convenience shops, entertainment facilities, and most retail and/or wholesale outlets and many service facilities and offices.

**COMMUNITY CENTER (NEIGHBORHOOD):** A structure in a neighborhood and designated as a meeting place, or adult recreation parlor. This structure can be part of a picnic area. The center shall be administered by a unit of local government or by responsible home owners association for the neighborhood or subdivision in which it is located.

**COMPREHENSIVE LAND USE DEVELOPMENT PLAN:** A plan, or any portion thereof, adopted by the Zoning Commission and the legislative authority of the Township of Geneva, showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**CONDITIONAL USE:** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

CONDITIONAL USE PERMIT: A permit issued by the Zoning Inspector upon the approval of the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CORNER LOT: See LOT TYPES

CUL-DE-SAC: See THOROUGHFARE

DEAD-END STREET: See THOROUGHFARE

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

1. GROSS DENSITY: The number of dwelling units per acre of the total land to be developed.
2. NET DENSITY: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential use.

DISABLED VEHICLES, RECREATIONAL VEHICLES, TRAILER, MOBILE HOME.: Any type of recreation vehicle, trailer, mobile home that meets any one of the following criteria:

1. does not have a current license, or a license plate expired not more than six (6) months.
2. is apparently mechanically inoperative.
3. is extensively damaged (i.e. missing wheels, motor, tires or transmission).
4. is in a dilapidated or broken down state.

DWELLING: A building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping rooms, storage closets, as well as space equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

DWELLING-CONDOMINIUM: A structure which usually contains two (2) or more dwelling units which may be attached either side by side or one above the other, and each unit is separately owned.

DWELLING, SINGLE FAMILY: A dwelling consisting of a single dwelling units only separated from other dwelling units by open space.

DWELLING, MULTI-FAMILY: A dwelling consisting of three or more dwelling units which may be attached either side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING INDUSTRIALIZED UNIT: An assembly of materials and products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit, but not a mobile home.

DWELLING, ROOMING HOUSE (BOARDING HOUSE, LODGING HOUSE, DORMITORY): A dwelling or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

DWELLING SEASONABLE: A structure or dwelling unit which are temporary dwellings and are rented or leased by the inhabitant usually for the (summer) season.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**FAMILY:** One or more persons occupying a single dwelling unit, provided that all members are related by blood, adoption, or marriage, or are minors under foster care.

**FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT):** Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas, hunting preserves and watershed projects.

**FENCE:** A structure erected around or by the side of an open space to restrict passage in or out; especially, a structure enclosing or separating yards, fields, etc.

**FLOOD PLAIN:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

**FLOOD REGIONAL:** Large floods which are previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

**FLOODWAY:** That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely in the floodway.

**FLOODWAY FRINGE:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**FLOOR AREA OF A RESIDENTIAL BUILDING:** The sum of the gross horizontal area of the several floors of a residential building, excluding cornices, porches, terraces, sun porches, attached garages, and the basement floor areas not devoted to residential use. All dimensions shall be measured from the interior faces of the exterior walls.

**FLOOR AREA OF NON-RESIDENTIAL BUILDING (to be used in calculating parking requirements):** The floor area of the specific use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

**FLOOD PROCESSING:** The preparation storage or processing of food products. Examples of these activities include bakeries, dairies, canneries, and similar businesses.

**GARAGES, PRIVATE:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to a person not resident on the premises;
2. No more than two commercial vehicles per dwelling unit are parked or stored;
3. The commercial vehicles permitted to not exceed two tons capacity each.

**GARAGE, SERVICE STATION:** Buildings premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;

3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
12. Provision of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving glare, noise, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or body shop.

**GUN CLUB:** A group of citizens joined together for the enjoyment of hand gun, rifle, or shotgun shooting matches. These clubs shall be located in an isolated area, so as not to be a nuisance for the surrounding properties.

**GO CART TRACK:** A blacktopped area laid out for the riding of go-carts usually rented by the hour. Go-cart tracks shall not be a nuisance to the neighborhood nor shall it be operated between the hours of eight (8) P.M. and nine (9) A.M.

**GOLF COURSE:** An area designated as and arranged for the playing of golf. Conventional golf courses consist of a series of fairways and greens with holes numbering one (1) thru (9) or multiples of nine (9). Par 3 and putt-putt are considered golf courses.

**HOME OCCUPATION:** An occupation conducted in a dwelling unit.

1. No more than one person other than members of the family residing on the premises shall be engaging in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; and not more than twenty-five (25) per cent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding nine (9) feet in area;

4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Article 11 of this resolution, and shall not be located in a required front yard;
5. No equipment or process shall be used in such occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

**HORSE RIDING CLUB:** A group of citizens joined together for the enjoyment of horses, horse riding, and refreshments. Horse riding clubs usually have a show ring, bleachers, and a parking area for contestants and onlookers of scheduled horse shows. All clubs shall be located in an isolated area and no night shows will be held so as not to be a nuisance for the surrounding properties.

**HOTEL OR MOTEL AND APARTMENT HOTEL:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**INSTITUTION:** Building and/or land designed to aid individuals in need or mental therapeutic, rehabilitative counseling, or other correctional services.

**JUNK:** Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled, or wrecked automobiles or parts thereof; iron, steel, and other old or scrap ferrous or non-ferrous materials.

**JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS:** Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

**KENNEL:** Any lot or premises on which four (4) or more domesticated dogs more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

**LOADING SPACE, OFF-STREET:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**LOCATION MAP:** See VICINITY MAP

**LOT:** For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved publicly dedicated street, or on an approved privately dedicated street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, or of portions of lots of record.

**LOT COVERAGE:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of the lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any publicly or privately dedicated street.

LOT MEASUREMENTS: A lot shall be measured as follows:

1. DEPTH: The distance between the mid-points 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.
2. WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot measured at the building setback line.
3. In all districts, the front yard setback shall be measured from the road right-of-way line.
4. On Cul-De-Sacs and Curvilinear Roads, the minimum frontage shall be measured at the 80 foot setback line for residential districts and at 100 foot for all other districts.

LOT OF RECORD: A lot which is part of subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Lot areas and frontage requirements for the installation of home sewage disposal requirements as regulated by the Ashtabula County Health District shall be subject to their regulations effective November 1, 2004 for all new lots recorded after that date.

LOT TYPES: Terminology used in this resolution with reference to corner lots, interior lots, and through lots is as follows;

1. CORNER LOT: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. INTERIOR LOT: A lot with only one frontage on a street.
3. THROUGH LOT: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. REVERSED FRONTAGE LOT: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

MAINTENANCE AND STORAGE FACILITIES: Land, building, and structures devoted primarily to the maintenance and storage of equipment and material.

MANUFACTURED HOME: Any non-self-propelled vehicle transportable in one or more sections, and which is built on a permanent chassis and originally designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any such structure as defined in the preceding sentence shall be a Manufactured Home for purposes of this resolution whether or not such structure is subject to taxation under Section 4503.06 of the Ohio Revised Code or its successor provisions as a manufactured home, and whether or not such structure is permanently attached to a site and no longer has the potential for mobility, by reason of, but not limited to lack of surrender of any manufactured home title, physical alteration such as removal of towing tongue, and/or situation on property owned by the owner of such structure. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows.

MANUFACTURING, MEDIUM-LIGHT: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, glare, noise, order, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

MODULAR HOME: See DWELLING, INDUSTRIAL UNIT.

MOBILE HOME: A movable or portable structure designed and constructed to be towed as a unit or units, on its or their own chassis and running gear, on the public streets or highways, and designed, constructed, and equipped with the necessary service connections for human occupancy and habitation as a "dwelling unit" whether resting on wheels, jacks, or other supports from which such structure(s) can be readily removed and transported.

MOTOR CROSS FOR COMMERCIAL PURPOSE: A motorcycle or an all terrain vehicle race over a tight closed course over natural terrain, including hills, sharp turns, and often mud.

NON-CONFORMITIES: A building, structure, or use of land existing at the time of enactment of this resolution, and which does not conform to the regulations of the district or zone in which it is situated.

NUISANCE: As described in ORC 505.87 the Board of Geneva Township Trustees may provide for the abatement, control, or removal of garbage, vegetation, refuse, and other debris from land in the Township when the Board determines that the owner's maintenance of such vegetation, garbage, refuse and other debris constitute a nuisance.

NURSERY, NURSING HOME: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

NURSERY, PLANT MATERIALS: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts. Streets, parking areas, structures for habitation, and the like shall not be included.

PARKING SPACE, OFF-STREET: For the purpose of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PERFORMANCE BOND OR SURETY BOND: An agreement by a subdivider or developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

PICNIC GROUNDS: An area either public or private designated as a site for picnic tables, pavilions, rest rooms and necessary accessories. Picnic grounds are sometimes associated with PLAY GROUNDS and/or SWIMMING POOL areas.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and/or subordinate commercial and/or manufacturing facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principals, and landscaping plans.

PLAYGROUND, TOT LOT: An area either public or private designed as a site for swings, slides, and other playground facilities. Playgrounds are common accessory uses for a picnic ground or swimming pool area.

**PROFESSIONAL ACTIVITIES:** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

**PUBLIC SERVICE FACILITY:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility, or by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas rail transport, communication, public water, and sewage services.

**PUBLIC USES:** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**PUBLIC WAY:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**QUASI-PUBLIC USES:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**RECREATION VEHICLE:** A licensed vehicle designed for and used as a temporary, seasonal residence and are usually found at designated campgrounds. Fifth Wheel, travel trailer, tent trailer, pickup, and motor homes are common recreational vehicles. Sometimes a tent is also considered a "RECREATION VEHICLE." Use of tents, recreational vehicles and similar vehicles as a dwelling is prohibited in all districts except such use is allowed on a temporary or seasonal basis in a Recreational or a Recreational-Commercial District.

**RECREATIONAL FACILITIES:** Public or private facilities that may be classified as either "extensive" or "intensive" depending on the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

**RECYCLING CENTER:** A facility primarily concerned with acquisition and processing reusable materials for sale or reuse.

**RESEARCH ACTIVITIES:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.

**ROADSIDE STAND:** A temporary structure designed or used for the display or sale of agricultural and related products.

**RIGHT-OF-WAY:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawnstrips, sidewalks, lighting and drainage facilities, and may include special features (required by topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges. All roads dedicated to the Township must meet all specifications established by the Township and the County Engineer before acceptance for public use and maintenance by the Trustees.

**SANITARY LANDFILL:** A facility which buries waste in accordance with Federal EPA, State EPA and Local Health Department guidelines.

**SCHOOL:** A building either public or private devoted to learning, whether it be pre-school or adult education. A school shall be found on major, state, county or township highways.

**SEPTIC TANK:** See SEWER, ON-SITE.

**SETBACK LINE:** A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said resolution.

**SEWERS, CENTRAL OR GROUP:** An approved sewage disposal system which provides collection network and disposal system and central sewage treatment facility for a single development, community or region.

**SEWERS, ON-SITE:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**SIDEWALK:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**SIGN:** Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. **SIGN, ON-PREMISES:** Any sign related to a business or profession conducted or a commodity or service sold or offered, upon the premises where such a sign is located.
2. **SIGN, OFF-PREMISES:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located;
3. **SIGN, ILLUMINATED:** Any sign illuminated by electricity, gas or other artificial light, including reflecting or phosphorescent light;
4. **SIGN, LIGHTING DEVICE:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign;
5. **SIGN, PROJECTING:** Any sign which projects from the exterior of a building.

**STABLE:** A land use usually found in an agricultural area and consisting of breeding, training, housing, and rental of saddle horses.

**STORY:** That part of a building between the surface of a floor and the ceiling immediately above.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

**SUPPLY YARDS:** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**SWIMMING POOL:** a structure intended primarily for swimming or wading containing at least 1.5 feet of water at any point and maintained by the owner or manager:

1. **PRIVATE:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use;
2. **COMMUNITY:** Operated with a charge for admission; a primary use.

**THOROUGHFARE, STREET OR ROAD:** The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **ALLEY:** A minor street used primarily for vehicular service access to the back or side of properties abutting another street;
2. **ARTERIAL; STREET:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic usually on a continuous route;
3. **COLLECTOR STREET:** A thoroughfare, whether within a residential, manufacturing, or commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions;

4. CUL-DE-SAC: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround;
5. DEAD-END STREET: a street having only one outlet for vehicular traffic;
6. LOCAL STREET: A street primarily for providing access to residential or other abutting property;
7. LOOP STREET: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, not normally more than six hundred (600) feet from each other;
8. MARGINAL ACCESS STREET: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street)

THROUGH LOT: See LOT TYPES.

TRANSPORTATION, DIRECTOR OF: The Director of the Ohio Department of Transportation.

USE: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE: The modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC: a place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include over-night accommodations on the premises for the treatment, observation and/or recuperation. It also may include boarding that is incidental to the primary activity.

VICINITY MAP: A drawing located on the plan which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

WASTE REDUCTION FACILITY: A facility primarily concerned with the volumetric reduction of the waste stream and transportation of the waste to a conventional waste disposal facility.

WATER SLIDE: A recreational land use which utilizes a number of down hill slides along with water to propel the slider down the course.

YARD: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility;

1. YARD, FRONT: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building;
2. YARD, REAR: A yard between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. YARD, SIDE: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

4. YARD SALE: Also known as Port, Lawn, Basement, Barn, Garage, House, Flea Market and etc. (sales). The sale of varied used household items but not to include food or agricultural products. This sale is by and for the residents or family of a household or residential dwelling unit. Any individual, organization or family may conduct one (1) such sale within any twelve-month period upon the property at which he or they reside for a period not to exceed three (3) consecutive days without obtaining a zoning permit, so long as the provisions of the Resolution pertaining to signs and parking are observed;  
Garage sale permits shall only be issued to neighborhood and community organizations two (2) times within any twelve (12) month period for a period not to exceed three (3) consecutive days, so long as the provisions of this Resolution pertaining to signs and parking are observed.

ZONING PERMIT: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE 3  
ENFORCEMENT

Section 300

ZONING PERMITS REQUIRED.

No building of one hundred twenty (120) square feet or more shall be erected, moved, added to, nor shall any building or land be established or changed in use without a permit therefore, issued by the zoning inspector. Zoning permits shall be issued only in conformity with the provisions of this resolution unless the zoning inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance.

Section 301

CONTENTS OF APPLICATION FOR ZONING PERMIT.

The application for zoning permit shall be signed by the owner attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within two (2) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
7. Building height;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.

Section 302

APPROVAL OF ZONING PERMIT.

Within fifteen (15) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the site plans shall be returned to the applicant by the Zoning Inspector after the Zoning Inspector shall have marked such copy as either approved or disapproved and attested to same by his signature on such copy.. One copy of the site plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this resolution.

## Section 303

## SUBMISSION TO THE DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within three hundred (300) feet of the center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation of any land within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this resolution, issue the zoning permit.

## Section 304

## EXPIRATION OF ZONING PERMIT

If the work described in the zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning inspector, and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted. Before the expiration of the zoning permit, and extension can be granted by the Zoning Inspector not to exceed ninety (90) days from the expiration date of the permit or previous extension.

## Section 312

## RECORD OF ZONING PERMITS.

The zoning inspector shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.

## Section 320

## FAILURE TO OBTAIN A ZONING PERMIT.

Failure to obtain a zoning permit shall be violation of this resolution and punishable under Section 350 of this resolution.

## Section 330

## CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, PERMITS.

Zoning permits issued on the basis of plans and application approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this resolution and punishable as provided in Section 350 of this resolution.

## Section 340

## COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this resolution.

## Section 350

## PENALTIES FOR VIOLATION.

Violations of the provisions of this resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this resolution, shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than \$50.00 nor more than \$100.00 and, in addition, shall pay all costs and expenses involved in the case. Each day's continuance of the violation shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation. (See Section 519.16 Ohio Revised Code.)

## Section 360

## SCHEDULE OF FEES, CHARGES, AND EXPENSES.

The Board of Township Trustees shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the Township Hall, and may be altered, amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. Fees shall be non-refundable regardless of approval or denial of the application.

## ARTICLE 4

## NONCONFORMITIES

## Section 400

## INTENT.

Within the districts established by this resolution or amendments that may later be adopted, there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this resolution was passed or amended but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. It is the intent of this resolution to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

## Section 410

## INCOMPATIBILITY OF NONCONFORMITIES.

Nonconformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged by an attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of nature which would be generally prohibited in the district in which such use is located.

## Section 420

## AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials, in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing that the work shall be carried out diligently.

## Section 430

## SINGLE NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 9 and 10 of this resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 540 through 549. No portion of any lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this resolutions.

## Section 440

## NONCONFORMING USES OF LAND.

Where, at the time of adoption of this resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended, to occupy more than was occupied at the effective date of adoption or amendment of this resolution;
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the adoption or amendment of this resolution.
3. If any nonconforming uses of land are discontinued or abandoned for more than one (1) year, (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land.

## Section 450

## NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of the adoption or amendment of this resolution that could not be built under the terms of this resolution by reasons of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be contained so long as it remains otherwise lawful, subject to the following provisions.

1. No such nonconforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

## Section 460

## NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this resolution that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building.

3. Any structure or structure and land in combination, in or on which a nonconforming use is superceded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
4. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;
5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### Section 470

#### REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order to such official.

#### Section 480

#### USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES.

Any use which is permitted as a conditional use in a district under the terms of this resolution shall not be deemed a nonconforming use in such district but shall, without further action, be considered a conforming use.

## ARTICLE 5

## ADMINISTRATION

## Section 500

## OFFICE OF ZONING INSPECTOR CREATED.

A zoning inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

## Section 501

## DUTIES OF ZONING INSPECTOR

For the purpose of this resolution, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this resolution are being violated, he shall report such violation to the Board of Township Trustees as soon as it is noted, and notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
  - a. Order discontinuance of illegal uses of land, buildings, or structures.
  - b. Order removal of illegal buildings or structures or illegal additions or structural alterations;
  - c. Order discontinuance of any illegal work being done.
2. Maintain regular hours for applications for zoning permits;
3. Observe the status of land uses in the Township once a month, or as needed if violations are reported
4. Assist the Zoning Commission in the maintenance of any up-to-date zoning map and land use map, and keep a record of all nonconforming use and conditional zoning permits;
5. Take any other action authorized by this resolution to ensure compliance with or to prevent violation of this resolution. This may include the issuance of and action on zoning permits and such similar administrative duties as are permissible under law.

## Section 510

## PROCEEDINGS OF ZONING COMMISSION.

The commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. An annual organizational meeting will be held each year in the month of January. Meetings shall be held at the call of the chairman and at such other times as the commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed at the office of the Commission and the Trustees.

## Section 511

## DUTIES OF ZONING COMMISSION.

For the purpose of this resolution, the Commission shall have the following duties:

1. Initiate proposed amendments to this resolution;
2. Review all proposed amendments to this resolution and make recommendation to the Board of Township Trustees as specified in Article 6.

## Section 520

## BOARD OF ZONING APPEALS CREATED.

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the Township zoned. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

## Section 521

## PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. An annual organizational meeting will be held each year in the month of January. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oath and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed at the office of the Board of Appeals and also with the Township Clerk.

## Section 522

## DUTIES OF THE BOARD OF ZONING APPEALS.

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this resolution, reverse or affirm, wholly or partly, or modify the order requirement, decision or determination appealed from and may make such other, requirement, decision or determination appealed from and may make such other, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to affect any variation in the application of this resolution. For the purpose of this resolution, the Board may:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;
2. Authorize such variances from the terms of this resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done;
3. Grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this resolution;

4. Revoke an authorized variance or conditional use permit granted for the extraction of minerals, if any condition of the variance or permit is violated. The Board shall notify the holder of the variance or permit by certified mail of its intent to revoke the variance or permit under "4" of this section and of 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 not hearing is requested, the Board may revoke the variance or permit without a hearing. The authority to revoke a variance or permit is in addition to any other means of zoning means of zoning enforcement provided by law.

#### Section 530

#### DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL.

It is the intent of this resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding on questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in the section and in this section and in this resolution. Under this resolution, the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 360 of this resolution. Nothing in this resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be within ten (10) days of the Board's written decision.

#### Section 540

#### PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Sections 541-549, inclusive, of this resolution. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

#### Section 541

#### APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

#### Section 542

#### STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

## Section 543

## VARIANCES.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or building in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds of issuance of a variance. Variance shall not be granted on grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in unnecessary hardship.

## Section 544

## APPLICATION AND STANDARDS FOR VARIANCES.

A request for a variance from the terms of this resolution shall not be heard by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants;
2. Legal description of property;
3. Description of nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to the other lands in the same districts;
  - b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution;
  - c. That special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other lands in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

## Section 545

## SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 350 of this resolution.

## Section 546

## PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or applicant.

## Section 547

## NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before holding the public hearing required in Section 546, notice of such hearing shall be given in one or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

## Section 548

## NOTICE TO PARTIES IN INTEREST.

Before holding the public hearing require in Section 546, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 547.

## Section 549

## ACTION BY BOARD OF ZONING APPEALS.

Within twenty (20) days after the public hearing required in Section 546, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeal shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land. Appeals from Board decisions shall be made in the manner specified in Section 530.

## Section 560

## PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS.

Conditional uses shall conform to the procedures and requirements of Sections 561-568, inclusive, of this resolution.

## Section 561

## GENERAL

It is recognized the an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses, as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Sections 562-568, inclusive.

## Section 562

## CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT.

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner of property for which such conditional use is proposed. The conditional use, once granted, is not transferable from the person or persons making application. At a minimum the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
  - a. Proof of ownership--deed;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuge and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this resolution;
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;
8. Such other information as may be required in Section 564.

## Section 563

## GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES.

In addition to the specific requirements for conditionally permitted uses as specified in Section 564, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is, in fact, a conditional use, as established under the provisions of Article 9.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive plan and/or the zoning resolution.
3. Will be designed, constructed, operated, and maintained as is to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighborhood uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

6. 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;
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

#### Section 564

#### SPECIFIC CRITERIA FOR CONDITIONAL USES.

Following is a list of specific requirements for conditional permitted uses.

1. all structures and activity areas should be located at least one hundred (100) feet from all property lines;
2. Loud speakers which cause a hazard or annoyance shall not be permitted;
3. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial thoroughfares, or not closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street;
4. There shall be no more than one (1) sign oriented to each abutting street identifying the activity;
5. No lighting shall constitute a nuisance and shall in no way impair the safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
6. Structures should have primary access to a collector thoroughfare;
7. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
8. Such uses should be properly landscaped to be harmonious with surrounding residential uses;
9. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, and individual, or to the community in general;
10. The area of use shall be completely enclosed by a six (6) foot fence and appropriately landscaped to be harmonious with surrounding properties;
11. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on an adjacent to the site;
12. Such uses shall not be conducted closer than two hundred (200) feet from any structure used for human occupancy;

## SPECIFIC CRITERIA FOR CONDITIONAL USES. (CONT'D)

13. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features;
14. Information shall be submitted on the anticipated depth of excavations and on the depth and probable effect on the existing water table and coordinated with the Ohio Division of Water;
15. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer;
16. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future, roads, drives, drainage courses, and other improvements contemplated.
17. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-combustible solids, to secure:
  - a. That the excavated area shall not collect and permit to remain therein stagnant water, or
  - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depression thereof--so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped, which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
18. There shall be filed with the Board of Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

## Section 565

## SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under Section 350 of this resolution.

## Section 566

## PROCEDURE FOR HEARING, NOTICE.

Upon receipt of the application for a conditional use permit specified in Section 562, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 546 through 548.

## Section 567

## ACTION BY THE BOARD OF ZONING APPEALS.

Within twenty (20) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

## Section 568

## EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be deemed to authorize only one particular conditional use and only for the time period specified on the application, and said permit shall automatically expire if for any reason, the conditional use shall cease for more than one (1) year.

ARTICLE 6  
AMENDMENT

Section 600

PROCEDURE FOR AMENDMENTS OR DISTRICT CHANGES.

This resolution may be amended by utilizing the procedures specified in Section 601-613, inclusive, of this resolution.

Section 601

GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

Section 602

INITIATION OF ZONING AMENDMENTS.

Amendments to this resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Board of Township Trustees;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 603

CONTENTS OF APPLICATION.

Applications for amendments to the Official Zoning Map adopted as part of this resolution by Section 700 shall contain at least the following information:

1. Name, address, and phone number of applicant;
2. Proposed amending resolution, approved as to form by the County Prosecutor;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. Proposed zoning district;
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be re-zoned, and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be re-zoned;

9. A fee as established by the Board of Township Trustees according to Section 360;

10. Legal description of property and proof of ownership--deed.

Applications for amendments proposing to amend, supplement, change or repeal portions of this resolution other than the Official Zoning map shall include items (1), (2), and (9) listed above.

#### Section 604

##### TRANSMITTAL TO ZONING COMMISSION.

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner of property, said resolution or application shall be transmitted to the Commission.

#### Section 605

##### SUBMISSION TO COUNTY PLANNING COMMISSION.

Within five (5) days after the adoption of a motion by the Commission on the filing of an application by at least one (1) owner, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the County Planning Commission. The County Planning Commission shall recommend the approval or denial 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.

#### Section 606

##### SUBMISSION TO DIRECTOR OF TRANSPORTATION.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center line of a proposed new highway, or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the re-zoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest of upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

#### Section 607

##### PUBLIC HEARING BY THE ZONING COMMISSION.

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20), not more than forty (40) days from the adoption of such motion, transmittal of such resolution, or the filing of such application.

## Section 608

## NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before holding the public hearing as required in Section 607, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least fifteen (15) days before the date of said hearing. This notice 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 public hearing the matter will be referred to the Board of Township Trustees for further determination.

## Section 609

## NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION.

If the proposed amendment intends to re-zone or re-district 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 twenty (20) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be re-zoned or re-districted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 608.

## Section 610

## RECOMMENDATION BY ZONING COMMISSION.

Within thirty (30) days after the public hearing required by Section 607, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

## Section 611

## PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES.

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper shall be given by the Board of Township Trustees as specified in Section 608.

## Section 612

## ACTION BY BOARD OF TOWNSHIP TRUSTEES.

Within twenty (20) days after the public hearing required by Section 611, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees, denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

## Section 613

## EFFECTIVE DATE AND REFERENDUM.

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) per cent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

## ARTICLE 7

## PROVISIONS FOR OFFICIAL ZONING MAP

## Section 700

## OFFICIAL ZONING MAP.

The districts established in Article 7 of this resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this resolution.

## Section 710

## IDENTIFICATION OF THE OFFICIAL ZONING MAP.

The Official Zoning Map shall be identified by the signatures of the members of the Board of Township Trustees, attested by the Township Clerk.

## Section 720

## INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located on the right-of-way line of said railroad;
5. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated;
6. A description of the districts shown on the Official Zoning Map may be found in Appendix of the resolution.

## ARTICLE 8

## ESTABLISHMENT AND PURPOSE OF DISTRICTS

## Section 800

## INTENT.

The following zoning districts are hereby established for the Township of Geneva, Ashtabula County, Ohio. For the interpretation of this resolution, the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this resolution. In addition, the specific purpose of each zoning district shall be as stated.

## Section 810

## R-1 RESIDENTIAL

The purpose of the R-1 district is to permit development of rural and near rural areas which may or may not have public facilities in the near future. This district allows single family dwelling units and two family dwelling units which meet the specifications found in Section 903 of this text.

## Section 811

## R-2 RESIDENTIAL

The purpose of the R-2 district is to permit the establishment of permanent and seasonable one (1) family homes and random mobile home dwelling units which meet the specifications found in Section 904 of this text. This district also allows the development of Mobile Home Parks which meet the specifications found in Section 1300 of this text.

## Section 812

## R-3 RESIDENTIAL

This district allows the development of multi-family dwelling units and condominium dwelling units which meet the specifications found in Section 905 of this text.

## Section 813

## RECREATIONAL (REC)

This district allows the development of Recreational land uses which meet the specifications found in Section 906 of this text.

## Section 814

## COMMERCIAL (COMM)

This district allows the development of commercial land uses along the major thoroughfares in the township. Specifications for this land use are found in Section 907 of this text.

## Section 815

## INDUSTRIAL (IND)

The purpose of the IND district is to reasonably regulate the development & location of light-medium industrial land uses which are free of hazardous or objectionable qualities such as odor, smoke, dust, noise, or glare. Specifications for this land use are found in Section 908 of this text.

## SECTION 816

REC-COMM: This district is a combination of recreational (REC) SECTION 906 and (COMM) SECTION 907 and must conform to both sections, including General Requirements listed for Sections 906 and 907.

## SECTION 817

## Waste Management (WM)

The purpose of the Waste Management (WM) District is to reasonably regulate the handling and disposal of all solid waste generated in the district complying with all Federal EPA, State EPA and Health Board regulations. Specifications for this land use are found in Section 909 of this text.

## ARTICLE 9

## DISTRICT REGULATIONS

## Section 900

## COMPLIANCE WITH REGULATIONS.

The regulations for each district set forth by this resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
  - 1b. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) primary residence on one (1) lot.
2. No building or other structure shall be erected or altered;
  - a. to provide for greater height or bulk
  - b. to accommodate or house a greater number of families;
  - c. to occupy a greater percentage of lot area; and
  - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner be contrary to the provisions of this resolution.
3. No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set for herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.

## Section 901

## OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED.

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this resolution and in Article 10 of this ordinance, "Supplementary District Regulations," as well as Article 13 and 14 as specified in these regulations.

## Section 902

## INTENT OF DISTRICT REGULATIONS, INTERPRETATIONS.

It is the intent of these regulation to set forth within the district regulations the Permitted Uses, the Specially Permitted Uses, the General Requirements of the District, and other regulations as they pertain in general to each zoning district. Specially permitted uses are in addition to the permitted uses in each district and as such are governed by Article 6 and other articles of these regulations. Rules, regulations, requirements, standards, resolutions, articles and/or sections not specifically included for each district, but which are contained in these regulations and which are applicable to each district or use, shall be applied as if stated in full in Article 9 of these regulations.

## Section 903

PERMITTED USES, DIMENSIONAL REQUIREMENTS, AND OTHER REGULATIONS OF THE R-1 RESIDENTIAL DISTRICT: THE FOLLOWING REGULATIONS SHALL APPLY:

PERMITTED USES: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- A. Single & two family dwellings.
- B. Churches & temples.
- C. Public and private schools.
- D. Public or private parks and playgrounds.
- E. Assembly halls, when part of school or church.
- F. Cemeteries.
- G. Neighborhood Community Centers.
- H. Fire and Police Stations.
- I. Home occupations. (Owner applicant only)
- J. Private & public swimming pools.
- K. Accessory uses and structures.
- L. Libraries.
- M. Ponds (lakes) 5 acre or less.
- N. Yard Sales (See Article 2 - Definitions).
- O. Manufactured Homes (As regulated in these regulations Article 10, Section 1001 A.)

## HOME OCCUPATIONS ALLOWED:

- |              |                         |
|--------------|-------------------------|
| 1. Architect | 5. Engineer             |
| 2. Surveyor  | 6. Musician             |
| 3. Artist    | 7. Attorney             |
| 4. Notary    | 8. Beauty Shop (Barber) |

CONDITIONALLY PERMITTED USERS: After obtaining a valid conditional zoning certificate in accordance with Articles 560-568, the other provisions of these regulations, the following uses may be permitted:

- A. Day Care Centers
- B. Radio and TV Receiving and Transmitting Towers

GENERAL REQUIREMENTS OF THE R-1 ZONE: Sanitary facilities and water supplies may vary with needs and/or requirements. Radio and TV Towers minimum set back from any dwelling or lot line, front, side or rear, shall be equal to two-thirds of the finished height of the Radio or TV Tower. The base of the tower shall be enclosed with a six (6) foot high fence. All conditions specified in Section 561 through 588 inclusive as amended, shall apply to a Conditionally Permitted Uses for Radio or TV Towers.

OFF-STREET PARKING REQUIREMENTS: Shall be provided as required in Article 11 of these regulations.

HEIGHT LIMIT: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or thirty-five (35) feet. (See Article 10). No accessory building may be of greater height than the main building.

LOT AREA AND WIDTH--1 FAMILY:

- 2 acres--200'-Septic sewerage on dedicated highway accepted by the Trustees
- 1/2 acre --100'-Public Sanitary sewerage on a dedicated highway accepted by the Trustees

Building with 2 dwelling units shall have twice the one family lot area & width. All lot frontage shall be measured at the setback line and frontage must be continuous. Lot must be on a dedicated highway accepted by the Trustees.

FRONT YARD (setback):

There shall be a front yard of not less than 50' in depth measured from the road right-of-way for both 1 & 2 family dwellings. All ponds and/or lakes shall be set back 100' from the road right-of-way. All ponds and/or lakes within 150' of the road right-of-way shall be separated from the right-of-way with a chain link fence at least four (4) feet in height.

REAR YARD:

There shall be a rear yard of not less than 40' measured from the rear property line to the nearest permanent (residential or accessory) structure for both 1 & 2 family dwellings.

SIDE YARD:

There shall be a side yard of not less than 10' on each side of a single family dwelling. There shall be a side of not less than 20' on each side of a two family dwelling.

Dwelling Square Feet (Exclusive of porches, garages, breezeways, attics, and cellars)

- 1 FAMILY-----1100 SQUARE FEET
- 2 FAMILY-----1 Bedroom 800 square feet
  - 2 Bedroom 1000 feet
  - 3 Bedroom 1200 square feet

SIGNS: Signs shall be as regulated in Article 12 of these regulations.

Section 904

Permitted Uses, Dimensional Requirements, and Other Regulations of the R-2 Residential District: The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- A. Single family dwellings. (Seasonable & permanent).
- B. Mobile Homes.
- C. Churches.
- D. Mobile Home Parks.
- E. Public Parks and Playgrounds.
- F. Tennis Courts.
- G. Home occupations (Permanent 1 family homes only by owner occupant).
- H. Private swimming pools as an accessory use.
- I. Accessory uses and structures.
- J. Garages.
- K. Ponds (lakes) 5 acre or less.
- L. Yard Sales (See Article 2 - Definitions).
- M. Manufactured Homes (As regulated in these regulations Article 10, Section 1001 A).

Conditionally Permitted Uses: After obtaining a valid special conditional use permit in accordance with Articles 560-568, and other provisions of these regulations, the following uses may be permitted:

- A. Mobile Home Sales and Service.

Home Occupations Allowed:

- |              |             |
|--------------|-------------|
| 1. Architect | 5. Engineer |
| 2. Surveyor  | 6. Musician |
| 3. Artist    | 7. Attorney |
| 4. Notary    |             |

General Requirements of the R-2 zone:

Off-Street Parking Requirements: Shall be as provided in Article 11 of these regulations.

Height Limit: No building shall be erected to exceed two and one-half (2 1/2) stories or thirty-five feet. (See Article 10). No accessory building may be of greater height than the main building.

Lot Area & Width: 1 family permanent, seasonable, or mobile residential unit on a septic sewerage system. 2 acres X 200 feet on a dedicated highway accepted by the Trustees. Building with 2 family units shall have twice the 1 family lot area and width.

The same on a public sanitary sewerage system shall be 1/2 acre by 100 feet. All lot frontage shall be measured at the setback building line and the frontage must be continuous. Lots must be on a dedicated highway accepted by the Trustees.

Front Yard (setback): There shall be a front yard of not less than 50' in depth measured from the road right-of way line for 1 family permanent, seasonable, or mobile residential unit. All ponds and/or lakes shall be set back 100' from the right-of-way; all ponds and/or lakes within 150' of the road right-of-way with a chain link fence at least four (4) feet in height.

Rear Yard: There shall be a rear yard of not less than 40' measured from the rear property line to the nearest permanent, (residential or accessory) structure for 1 family permanent, seasonable, or mobile residential unit.

Side Yard: There shall be a side yard of not less than ten (10) feet on each side of a single family dwelling.

Dwelling Square Feet: (exclusive of porches, garages, breezeways, attics and cellars):

- 1 family permanent.....1100 square feet
- Mobile Home.....1100 square feet (not to include tongue or bumper area)

All new and/or replacement mobile homes shall meet the existing zoning and building code, as stated in Article 10, Section 1001 A.

Section 905

Permitted uses, Dimensional Requirements, and Other Regulations of the R-3 Residential District: the following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in a accordance with these regulations, the following uses are permitted:

- A. Multi-family dwelling units,
- B. Condominium dwelling units.
- C. Parks and playgrounds.
- D. Garages (residents only).
- E. Swimming pool (public or private).
- F. Accessory uses and structures for building maintenance only.
- G. Tennis courts.
- H. Yard sales (See Article 2 - Definitions).
- I. Manufactured Homes (As regulated in these regulations Article 10, Section 1001 A)

General Requirements of the R-3 District:

Off-street parking requirements: Shall be as provided as required in Article 11 of these regulations.

Height Limit: No building shall be erected or enlarged to exceed two and one-half (2/ 1/2) stories or thirty-five feet (See Article 10).



Section 906

Permitted Uses, Dimensional Requirements, and other regulations of the Recreational district: The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- A. Campgrounds--over-night, weekly, or seasonal. No time sharing or similar developments allowed.
- B. Picnic Area.
- C. Open-Air Theater.
- D. Water Slide.
- E. Go Cart Track.
- F. Handball and/or Racquet Club.
- G. Gun Club.
- H. Riding Stable.
- I. Golf Course (all types).
- J. Swimming Pool.
- K. One (1) managerial residence (one family only).
- L. Horse Riding Club.
- M. Manufactured Homes (As regulated in these regulations Article 10, Section 1001 A)
- N. Accessory Uses. \*SEE LIST.

The management of the above listed recreational uses must assure the township that the users will not stray onto adjoining non-recreational properties.

General Requirements of the Recreational District:

Off-Street Parking: Shall be as provided in Article 11 of these regulations.

Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or thirty five (35) feet. See Article 10.

Minimum Acreage and Frontage:

Campground	50 acres	200'	Each of these uses may be used in conjunction with other allowed for recreational
Picnic Area	25 acres	200'	
Open- Air Theater	50 acres	200'	
Water Slide	10 acres	200'	
Go Cart Track	5 acres	200'	

Handball/Racquet	5 acres	200'	Club uses. Area needs for combined recreational use may be varied on application to the Township board of Appeals.
Gun Club	50 acres	200'	
Stable	50 acres	200'	
Golf Course	as needed	200'	
Swimming Pool	5 acres	200'	
Horse Riding Club	50 acres	200'	

Frontage must be on a dedicated highway accepted by the Trustees. Frontage must be measured at the Set Back Line and must be continuous.

Yard Requirements.

All of the allowed uses must have the following yards:

Front Yard.....100' from road R/W line.

Side Yard.....50' from side property line.

Rear Yard.....50' from rear property line.

Square feet of Residence: 1100' square feet--exclusive of basements, garage, porch, breezeway and attics.

\*Accessory Uses: Any accessory use that relates directly to the allowed use is allowed, such as;

Campground--Camping equipment and groceries and refreshments.

Picnic Area--Refreshments.

Open- Air Theater--Refreshments.

Water Slide--Refreshments.

Go Cart Track--Refreshments.

Handball and/or Racquet Club--Refreshments & Equipment.

Gun club--Refreshments & Equipment.

Stable--None.

Golf Course--Refreshments & Equipment.

Swimming Pool--Refreshments.

Horse Riding--Refreshments.

## Section 906-A

Permitted Uses, Dimensional Requirements, and other regulations of the Recreational Commercial District. The following regulations shall apply.

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- A. Campgrounds--over-night, weekly, or seasonal. No time sharing or similar developments allowed.
- B. Picnic Area.
- C. Open-Air Theater.
- D. Water Slide.
- E. Go Cart Tract.
- F. Handball and/or Racquet Club.
- G. Gun Club.
- H. Riding Stable.
- I. Golf Course (all types)
- J. Swimming Pool.
- K. One (1) managerial residence (one family only).
- L. Horse Riding Club.
- M. Golf Driving Range and/or Miniature Golf.
- N. Lakes and Ponds.
- O. Ski and Bob Sled Runs with lifts.
- P. Manufactured Homes (As regulated in these regulations Article 10, Section 1001 A.)
- Q. Accessory Uses, \*SEE LIST

General Requirements of the Recreational Commercial District:

Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or thirty five (35) feet. See Article 10.

Minimum Acreage and Frontage:

Campground	50 acres	200'	Each of these uses may be used in conjunction with other allowed recreational Club uses. Area needs for combined recreational use may be varied on application to the Township Board of Appeals.
Picnic Area	25 acres	200'	
Open -Air Theater	50 acres	200'	
Water Slide	10 acres	200'	
Go Cart Track	5 acres	200'	
Handball/Racquet	5 acres	200'	
Gun Club	50 acres	200'	
Stable	50 acres	200'	
Golf Course	as needed	200'	
Swimming Pool	5 acres	200'	
Horse Riding Club	50 acres	200'	

Frontage must be on a dedicated highway accepted by the Trustees. Frontage must be measured at the set back line and must be continuous.

Yard Requirements:

All of the allowed uses must have the following yards:

Front Yard	100' from road R/W line
Side Yard	50' from side property line
Rear Yard	50' from rear property line

Square feet of Residence: 1100 square feet--exclusive of basements, garage, porch, breezeway and attics

Accessory Uses: Any accessory use that relates directly to the allowed use is allowed, such as:

Campground--Camping equipment and groceries and refreshments.

Picnic Area--Refreshments.

Open -Air Theater--Refreshments.

Water Slide--Refreshments.

Go Cart Track--Refreshments.

Handball and/or Racquet Club--Refreshments & Equipment.

Stable--None.

Golf Course--Refreshments & Equipment.

Swimming Pool Refreshments.

Horse Riding--Refreshments.

#### Conditional Uses

The owner of a parcel of land within the recreational commercial district may apply to the Board of Zoning Appeals for a Conditional Zoning Permit for the following uses:

- A. Motor Cross-Two and four wheel vehicles racing area to be used during daylight hours only. The minimum acreage shall be (50) fifty acres and the required frontage shall be (200') two hundred feet with fencing around the track area.

#### Section 907

Permitted Uses, Dimensional Requirements, and other regulations of the Commercial district: The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- A. Local retail business or service including: grocery, fruit, or vegetable store, meat market, drug store, shoe repair shop, hardware store, barber or beauty shop, clothes cleaning and laundry pick-up station, laundromat, shoe store, business or professional office and the like, supplying commodities of performing services primarily for the residents of the area.
- B. Governmental buildings.
- C. Auto service station.
- D. General (indoor only) auto repair.
- E. Auto, farm implement, recreational vehicles, and mobile home sales and service.
- F. Taverns and/or restaurants.
- G. Hotels and/or motels.
- H. Trade or commercial schools.
- I. Mortuary.
- J. Lodge and fraternal organization building.
- K. Churches and/or temples.
- L. Skating rinks and/or bowling lanes.
- M. Parking garage.
- N. Wholesale business or warehousing when no processing, fabrication or assembly is involved and is conducted in an enclosed building.
- O. Building material storage and sales.
- P. Accessory buildings and uses.
- Q. Single family residence (See Section 903 for requirements).

R. Manufactured Homes (As regulated in these regulations Article 10, Section 1001 A.)

S. Beauty Shops, Tanning Salon, Barber Shop.

T. Ambulance Service

Conditional Uses: The owner of a parcel of land within the commercial zone may apply to the Board of Zoning Appeals for a Conditional Zoning Permit for the following uses:

A. Veterinary hospital (clinic), kennel or cattery.

B. Day Care Center.

C. Antiques and/or used furniture store.

D. Nursing home.

E. Health Spa.

F. Airports--Heliports; (private and commercial).

G. Commercial Radio-TV Towers & Stations.

H. Boat Storage/Repair-Area for boat storage must be surrounded by a visual barrier 6 feet in height.

General Requirements of the Comm. district:

Off-Street parking requirements: Shall be provided as required in Article 11 of these regulations.

Height Limits: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or thirty-five (35) feet. No accessory building may be of greater height than the main building (See Article 10).

Lot Area and Width: All commercial uses shall have a frontage as measured on a continuous basis at the Set Back Line of 200 feet on a dedicated highway accepted by the Trustees. Minimum Lot area required shall not be less than two (2) acres, exclusive of road right-of-way and shall be in addition to any easement.

Front (SETBACK) Yard: There shall be no buildings constructed nearer than (100') one hundred feet of the road right-of-way (R/N). Buildings on a corner lot shall have a front yard on both roads.

Side Yards: There shall be a side yard of (25') twenty five feet on both sides of a commercial use.

Signs: Shall be as regulated in Article 12 of these regulations.

Occupancy Permit: Whenever an existing land or building use is changed or altered, the owner and/or tenant shall apply to the Zoning Inspector for an occupancy permit before utilizing the new use.

Section 908

Permitted Uses, Dimensional Requirements, and other regulations of the LIGHT-MEDIUM Industrial district:

Permitted Uses: After obtaining a valid zoning certificate (permit) in accordance with these regulations, the following uses are permitted:

A. Manufacturing of:

1. Candy Products.

2. Canvas & Burlap Products.

3. Clothing
  4. Cosmetics & Perfume.
  5. Glass & Glass Products.
  6. Hosiery.
  7. Ice (Including storage).
  8. Machine Tools.
  9. Machinery.
  10. Motor Vehicle Equipment.
  11. Optical, Scientific Instrument, Jewelry, Clocks, and Musical Instruments.
  12. Pharmaceutical Products.
  13. Plastics.
  14. Pottery, Porcelain, and Vitreous China.
  15. Signs (including painting).
  16. Stonecutting (including sales).
  17. Textiles.
- B. Bottling Works (soft drink only).
- C. Contractors Plant & Storage Yard.
- D. Cooperage.
- E. Processing & Bottling of Dairy Products.
- F. Electronic (units) Assembly Plant.
- G. Farm Machinery Assembly.
- H. Flammable Liquid Storage.
- I. Grain Milling & Storage.
- J. Food Processing.
- K. Machine Shops.
- L. Meat Processing.
- M. Metal Fabrication.
- N. Concrete, Concrete Products, and Asphalt Mixing Plants.

- O. Oxygen (or propane) Storage.
- P. Permanent Planning or Saw Mills.
- Q. Planting Works.
- R. Prefabricating Building & Structural members.
- S. Repair & Servicing Industrial Equipment & Machinery.
- T. Sheet Metal Shop.
- U. Truck Terminal (Repair Shop, Hauling & Storage Yard).
- V. Woodworking Shop.
- W. Warehousing & Storage Buildings.
- X. Manufactured Homes (As regulated in these regulations Article 10, Section 1001 A.)

Conditional Uses The owner of a parcel of land within the Light-Medium Industrial district may apply to the Board of Zoning Appeals for the Conditional Zoning Permit for the following uses:

- A. Recycled Rubber Products-All scrap tires and rubber belting products are to be stored off the ground in not more than (30) thirty trailers with limited visibility from the road. A performance bond of \$50,000 be filed with the Board of Trustees, payable to the State of Ohio for the use of Geneva Township. This bond is to ensure that all Ohio E.P.A., state and local fire codes regarding storage and use of tires are followed. The financial assurance is a guarantee that funds will be available to cover the cost of removing all scrap tires stored at the facility and cleaning up any machinery and buildings at the facility when the facility ceases the use of scrap tires and, or rubber belting products in their manufacturing process. This is to be accomplished within one year of cessation of operations. The bond shall be released upon written certification of the zoning inspector that all scrap tires and or rubber belting have been properly removed from the site."

The Facility must meet all applicable Ohio E.P.A. requirements and the requirements of the Ashtabula County Health Department.

General Requirements of the L-M Industrial District:

Off -Street Parking & Loading Requirements: Shall be as required in Article 11 of these regulations.

Height Limits: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or fifty (50) feet in height. No accessory building may be of greater height than the main building. (See Article 10).

General Requirements of the L-M Industrial District (cont'd)

Lot Area and Width: All L-M Industrial uses shall have a frontage of 200' on a dedicated highway accepted by the Trustees and a minimum lot area of five (5) acres (Lot area not to include road right-of-way). All lot frontage must be measured on a continuous basis at the setback line.

Utilities: All supplies of water and the needed sewerage system shall be controlled by the necessary public body or an EPA approved waste handling system in lieu of public sanitary sewers.

Front (SETBACK) Yard: There shall be no buildings constructed nearer than one hundred (100) feet of a road right-of-way.

Side Yard: There shall be no buildings constructed or storage areas kept nearer than fifty (50') feet of each side yard. If an industrial use abuts a residential zone or residential use, the side yard shall be one hundred (100') feet.

Rear Yard: There shall be no buildings constructed or storage areas kept nearer than fifty (50') feet from the rear property line. If an industrial use abuts a residential zone or residential use, the rear yard shall be one hundred (100') feet.

Signs: Shall be as regulated in Article 12 of these regulations.

Occupancy Permits: Whenever an existing land or building use is changed or altered, the owner and/or tenant shall apply to the Zoning Inspector for an occupancy permit before utilizing the new use.

#### Section 909

Conditional Uses, Dimensional requirements and other regulations of the Waste Management (WM) District.

##### Conditional Uses:

The owner of a parcel of land within the Waste Management (WM) District may apply to the Board of Zoning Appeals for a conditional permit for the following uses:

- a. Waste recycling center.
- b. Waste reduction center.
- c. Transfer station.
- d. Landfill--Minimum of 75 acres required.
- e. Compost facility -- Minimum of 75 acres required.

General requirements of the Waste Management (WM) District shall be the same as those for the L-M Industrial District as amended.

Conditional use permits are not transferable. A change in ownership of a conditionally permitted facility would require the issuance of a new permit in accordance with Articles 500 to 568 to the new owners.

ARTICLE 10  
SUPPLEMENTARY DISTRICT REGULATIONS

**Section 1000**

## GENERAL.

The purpose of supplementary district regulations is to get specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

**Section 1001**

## CONVERSION OF DWELLINGS TO MORE UNITS.

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The structure is located in the proper zoning district;
2. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
3. The lot area per family equals the lot area requirements for new structures in that district;
4. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
5. The conversion is in compliance with all other relevant codes and resolutions.

**Section 1001A**

## MANUFACTURED HOME REGULATIONS:

Single Family Dwellings; Detached, individual dwelling units that accommodate one family related by blood or marriage or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform to either the OBOA or CABO One and Two family dwelling code, be classified as an Industrialized unit under the Ohio Basic Building Code, or conform to the definition of permanently sited manufactured housing contained in Senate Bill 142 of the 122<sup>nd</sup> General Assembly.

Permanently Sited Manufactured Housing must:

1. Be manufactured pursuant to the HUD Code manufactured after January 1, 1995.
2. Be bolted to a permanent frost-free foundation at least 3' 6" inches below grade. In addition to needed piers, a cemented crawl space or a full basement with cement block walls (poured concrete, brick permitted).
3. Structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 1100 square feet, excluding garages, porches, or attachments.
4. Be connected to appropriate facilities.
5. Have a conventional residential siding, a 6" minimum eave overhang, and a minimum "A" roof pitch of 3:12.
6. Have removed indication of mobility (Temporary axles, trailer tongue, running lights) upon placement upon its foundation.
7. Be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the county auditor upon its placement on its permanent foundation, and such surrender shall be notice to the auditor to tax the structure as real property from that day forward. A bond in the amount of \$300.00 shall be posted and said bond shall be refunded upon verification from the auditor that said title was submitted.
8. Meet all applicable zoning requirements (lot size, setback, etc.).
9. The structure is not located in a manufactured home park as defined in Section 3733.01 of the Revised Code.

## Section 1002

## PRIVATE SWIMMING POOLS.

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet, or with an area of less than one hundred (100) square feet shall be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
2. It may not be located closer than ten (10) feet to any property line;
3. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock.

## Section 1003

## LOT SPLITS.

## Plat Subdivisions

The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five acres, not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building site, shall be exempted.

Any lot split must meet all applicable zoning requirements.

## Section 1003A

## PRINCIPAL BUILDING PER LOT.

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Resolution. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Article 4 of this Resolution.

## Section 1004

## TEMPORARY BUILDINGS

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. The above temporary uses shall not be used for residential purposes for any period.

## Section 1005

## PARKING AND STORAGE OF CERTAIN VEHICLES.

1. The parking of a disable vehicle as defined in Article 2 for a period of more than two (2) weeks shall be prohibited in all districts, unless such a vehicle is stored in an enclosed garage or accessory building.
2. A maximum of one boat over 18 feet in length and tow boats less than 18 feet and one unoccupied recreational vehicle with current license may be stored in the rear yard or the side yard behind the principle building front foundation line on any residentially zoned property if they are not disable and meet the requirements of this Resolution for accessory structures.
3. No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except:
  - a. Those commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking;
  - b. One commercial vehicle with current license owned by a resident of said property not to exceed two tons in capacity.
4. The use of semi-trailers for temporary storage on a commercial or industrial/office park district property is allowed when:
  - a. The location of the trailers(s) must comply with the current setback regulations of the district;
  - b. Trailers shall be so located that the view thereof from a road, highway or adjacent property line is screened by buildings, fences, landscaping or other means specified by the zoning administrator and deemed comparable;
  - c. No more than four (4) trailers shall be placed on any property;
  - d. Trailers shall be utilized solely for temporary storage while waiting to be shipped to another location off the property and shall not be accessible to the general public; and
  - e. All trailers must be currently licensed and operable for over the road use.

The use of semi-trailers for storage is not deemed a use that can become a non-conforming use once this resolution is passed since the semi-trailer is not a structure. Existing properties not in compliance with this article must remove the trailer(s) within one year of the adoption of this article.

## Section 1005A

## JUNK STORAGE PROHIBITED.

The accumulation or storage of junk, including junk vehicles, disable vehicles as defined in Article 2, or inoperative machinery or equipment, vehicles, machinery parts, rags or other discarded objects or debris, as defined in the Ohio Revised Code, shall be prohibited, except as stored in an approved/licensed junk yard, and said junk shall be removed within thirty (30) days after receiving a violation notice from the Zoning Inspector. Failure to comply with the provisions of this section shall be subject to the penalties set forth in Article 3 ENFORCEMENT Section 350 PENALTIES FOR VIOLATION.

## Section 1010

## SUPPLEMENTAL YARD AND HEIGHT REGULATIONS.

In addition to all yard regulations specified in the Official schedule of District Regulations and in other sections of this resolution, the provisions of Sections 1011-1017, inclusive, shall be used for interpretation and clarification.

## Section 1011

## SETBACK REQUIREMENTS FOR CORNER BUILDINGS.

On a corner lot the principal building and its accessory structures shall be required to have the same set-back distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

## Section 1012

## VISIBILITY AT INTERSECTIONS.

On a corner lot in any district nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersection streets in the area bounded by the right-of-way lines of such corner lots, a line joining points along said street lines fifty (50) feet from the point of intersection.

## Section 1013

## FENCE AND WALL RESTRICTIONS IN FRONT YARDS.

In any required front yard, no fence, wall, or vegetation shall be permitted within ten (10) feet of the road right-of-way, which materially impedes vision between the height of two and one-half (2 1/2) and ten (10) feet.

## Section 1014

## YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards, as specified in Article 9. Each individual building shall meet all yard requirements as though it were on an individual lot.

## Section 1015

## ARCHITECTURAL PROJECTIONS.

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

## Section 1016

## EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, appurtenances, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take off of aircraft at an established airport.

Section 1020

SPECIAL PROVISIONS FOR COMMERCIAL AND MANUFACTURING USERS.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if, according to the performance requirement in Sections 1021-1031 inclusive, acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits are established.

Section 1021

FIRE HAZARDS.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 1022

RADIOACTIVITY OF ELECTRICAL DISTURBANCE.

No activity shall emit dangerous radioactivity at any point, or electrical disturbances adversely affecting the operation of any equipment at any point other than that of the creator of such disturbances.

Section 1023

NOISE.

Objectionable noise as determined by the Zoning Inspector which is due to volume, frequency, or heat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement. When Decibel Measuring Equipment is available to the Zoning Inspector, then any machinery, electronic device, or contrivance, which will generate noise levels in excess of the maximum of the sound pressure levels outlined in the following chart is prohibited. The perpetrator of the noise shall upon notice of the Zoning Inspector cease and desist from making said noise or be subject to the provisions of Article 3 Section 350.

Octave Band Sound (Cycles per second)	Pressure Level (In scales A decibels)
20-75	79
75-150	74
150-300	66
300-600	59
600-1200	53
1200-2400	47
2400-4800	41
above 4800	39

All noise levels to be measured from the nearest complainant's residence.

Section 1024

VIBRATION.

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

1025

AIR POLLUTION.

Air pollution shall be subject to the requirements and regulations established by the Directory of the Ohio Environmental Protection Agency.

Section 1026

GLARE.

No direct or reflected glare shall be permitted which is visible from the property, outside and manufacturing district or from any street.

Section 1027

EROSION.

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

Section 1028

WATER POLLUTION.

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

Section 1030

ENFORCEMENT PROVISIONS.

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicated the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

## Section 1031

## MEASUREMENT PROCEDURES.

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York; The Manufacturing Chemists' Association, Inc., Washington, D. C.; The United States Bureau of Mines; and the Ohio Environmental Protection Agency.

## Section 1032

## CLEANING UP AFTER DISASTER.

Following any disaster (natural or otherwise) affecting a property, resulting in a dangerous condition or constituting an eyesore, debris should be cleaned up within six (6) months. Ohio Demolition Expense Fund Recovery (ORC 3929.86) as adopted by the Geneva Township Trustees, May 24, 1989 shall provide for the collection of costs of abating dangerous conditions according to ORC 505.86.

## Section 1033

## PROHIBITED USE IN ALL AREAS.

- a. No landfills except as permitted in Section 909.
- b. No brine injection wells.
- c. No Commercial Disposal of any septic tank effluent.
- d. No Commercial disposal of septage sludge from any sewer plant.
- e. No hazardous or infectious waste incinerators.

## ARTICLE 11

## OFF-STREET PARKING AND LOADING FACILITIES

## Section 1100

## EXCEPTIONS.

1. Section 1101-1129 and 1132-1140 of this Article will apply to all land uses except single-family and two-family.
2. Sections 1130-1131 of this Article will apply to all land uses including single-family and two-family.

## Section 1101

## GENERAL REQUIREMENTS.

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution;
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this resolution;
3. Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

## Section 1110

## PARKING SPACE DIMENSIONS.

A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking; nine (9) feet in width and twenty-three (23) feet in length for parallel parking; ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking; and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1130 of this resolution.

## Section 1111

## LOADING SPACE REQUIREMENTS AND DIMENSIONS.

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fourteen (14) feet. The loading area shall have sufficient area to allow all loading or unloading traffic to do all turning or backing within the confines of the loading area, away from all public or private roads or drives. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

## Section 1112

## PAVING.

The required number of parking and loading spaces as set forth in Section 1111 and 1130, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

## Section 1113

## DRAINAGE.

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

## Section 1114

## MAINTENANCE.

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

## Section 1115

## LIGHTING.

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

## Section 1117

## SCREENING AND/OR LANDSCAPING.

Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptable designed wall, fence, or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

## Section 1121

## WHEEL BLOCKS.

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

## Section 1122

## WIDTH OF DRIVEWAY AISLE.

Driveway serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17 1/2) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking.

## Section 1123

## ACCESS.

Any parking or loading area shall be designed in such manner that any vehicle leaving or entering the parking or loading area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

## Section 1124

## WIDTH OF ACCESS DRIVEWAY.

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards. For one-way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking, in which case the minimum width of the access road shall be seventeen (17) feet. Access roads for two-way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

## Section 1130

## PARKING SPACE REQUIREMENTS.

For the purpose of this resolution, the following parking space requirements shall apply:

## Section 1131

## RESIDENTIAL.

1. Single-family or two-family dwelling: Two for each unit.
2. Apartments, condominiums or multi-family dwellings: Two for each unit.
3. Seasonable dwellings: Two for each unit.
4. Mobile homes: Two for each unit.

## Section 1132

## COMMERCIAL.

1. Automobile service garages which also provide repair: One for each two gasoline pumps and two for each service bay.
2. Hotels, motels: One for each sleeping room plus one space for each two employees.
3. Funeral parlors, mortuaries, and similar type uses: One for each one hundred (100) square feet of floor area in slumber rooms, parlors, or service rooms.
4. Dining rooms, restaurants, taverns, night clubs, etc.: One for each two hundred (200) square feet of floor area.
5. Bowling alleys: Four for each alley or lane plus one additional space for each one hundred (100) square feet of the area used for restaurant, cocktail lounge, or similar use.
6. Dance floors, skating rinks: One for each one hundred (100) square feet of floor area for the activity.
7. Auditoriums, sport arenas, theaters, and similar uses: One for each four (4) seats.
8. Retail stores: One for each two hundred fifty (250) square feet of floor area.
9. Banks, financial institutions, and similar uses: One for each two hundred (200) square feet of floor area.
10. Offices, public or professional administration, or service buildings; one for each four hundred (400) square feet of floor area.
11. All other types of business or commercial uses permitted in any commercial district: One for each three hundred (300) square feet of floor area.

## Section 1133

## RECREATION PARKING.

1. Campground: 1 space for each campsite;  
1 space per campsite for visitors  
1 space per one hundred (100) square feet of camp store and/or  
recreation building
2. Picnic area: 3 spaces per table.
3. Water Slide: 2 spaces for every ten (10) feet of slide.
4. Go Cart Track: 1 space for each two (2) go carts.
5. Handball and/or Racquet Club: 1 space per member.
6. Gun Club: 1 space per member.
7. Stable: 1 space per horse.
8. Golf Course: 2 spaces per hole plus 1 for each ten (10) square feet of Club  
House.
9. Swimming Pool: 1 space for each twelve (12) square feet of pool and sun bathing  
area.
10. Horse Riding club: 1 space per member plus 1 for each four (4) seats in arena.

## Section 1134

## INSTITUTIONAL OR PUBLIC/QUASI PUBLIC.

1. Churches and other places of religious assembly. One for each five (5) seats.
2. Hospitals: One for each bed.
3. Sanitariums, homes, for the aged, nursing homes, children homes, asylums, and similar  
uses: One for each two (2) beds.
4. Medical and dental clinics: One for every two hundred (200) square feet of floor area  
of examination, treating room, office, and waiting room.
5. Libraries, museums, and art galleries: One for each four hundred (400) square feet of  
floor area.
6. Community Center: One for every one hundred (100) square feet of meeting area.

## Section 1135

## SCHOOLS (PUBLIC OR PRIVATE).

1. Elementary and junior high schools: Two for each classroom and one for every eight (8) guests in auditoriums or assembly halls.
2. High schools: One for every ten (10) students and one for each teacher or employee.
3. Business, technical, and trade schools: One for each two (2) students.
4. Colleges, universities: One for each four (4) students.
5. Kindergartens, child care centers, nursery schools, and similar uses: Two for each classroom but not less than six (6) for the building.

## Section 1136

## MANUFACTURING.

1. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district: One for every two (2) employees (on the largest shift for which the building is designed) and one for each motor vehicle used in the business.
2. Cartage, express, parcel delivery, and freight terminals: One for every two (2) employees (on the largest shift for which the building designed) and one for each motor vehicle maintained on the premises.

## Section 1140

## GENERAL INTERPRETATIONS.

In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for permitted conditional uses shall be determined by the Board of Appeals at the time of the public hearing.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Inspector.

## ARTICLE 12

## SIGNS

## Section 1200

## INTENT.

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign of advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provided more open space, curb the deterioration of the natural environment, and enhance community development.

## Section 1201

## GOVERNMENTAL SIGNS EXCLUDED.

For the purpose of this resolution, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

## Section 1202

## GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.

The regulations contained in this section shall apply to all signs and all use district:

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise made use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations, or similar services.
3. All wiring fittings and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, in any;
4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marque.

## Section 1202

## GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS (cont'd)

5. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
6. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign;
7. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;
8. No sign shall be placed in any public right-of-way except publicity owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter shall be permitted on any property.

## Section 1203

## MEASUREMENT OF SIGN AREA.

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

## Section 1210

## SIGNS PERMITTED IN ALL DISTRICTS AND NOT REQUIRING A PERMIT.

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed thirty-two (32) square feet in area, except in all residential districts, where the area of the sign shall not be more than eight (8) square feet.
2. Professional name plates not to exceed two (2) square feet in area.

## Section 1211

## SIGNS PERMITTED IN ANY DISTRICT AND REQUIRING A PERMIT.

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed thirty-two (32) square feet in area and which shall be located on the premises of such institution;
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential, shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located;
3. In a R-3 zone, temporary signs announcing the erection of a building, the architect, builders, or contractors may be erected for a period of sixty (60) days. Said sign shall not be more than fifty (50) square feet in area.

## Section 1212

## SIGNS PERMITTED IN COMMERCIAL AND MANUFACTURING DISTRICTS AND REQUIRING A PERMIT.

1. In a commercial or manufacturing district, each business shall be permitted one (1) flat or wall on-premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the rain building. The area of all permanent on-premises signs for any single business enterprises may have an area equivalent to one and one-half (1 1/2) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet.
2. In a commercial or manufacturing district, two (2) off-premises signs with a total area not exceeding one hundred fifty (150) square feet may be permitted at a single location. No single off-premises sign shall exceed three hundred (300) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than five hundred (500) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

## Section 1213

## SIGNS PERMITTED IN RECREATIONAL DISTRICT AND REQUIRING A PERMIT.

1. One (1) on-premises sign advertising the development not to exceed thirty two (32) square feet in area. Two (2) off-premises signs advertising development not to exceed with (3) square feet in area per sign. The off-premises signs shall not be located within any residential zone or on any residential use lot.
2. The (1) portable, non-lighted, sign of thirty-two (32) square feet or less may be allowed for two (2) separate thirty (30) day periods per year. A permit is required for each thirty (30) day period.

## Section 1214

## TEMPORARY SIGNS.

Temporary signs not exceeding fifty (50) square feet in area, announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Portable or temporary signs which advertise special promotion shall be permitted for a period not to exceed fourteen (14) days. Such temporary signs shall conform to the general requirements listed in Section 1202, the set-back requirements in Section 1240-1243 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 1200.

## Section 1215

## FREE-STANDING SIGN--COMMERCIAL DISTRICT ONLY.

Free-standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred square feet per display area and located not closer than (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a single business or a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in a building.

## Section 1216

## WALL SIGNS PERTAINING TO COMMERCIAL NONCONFORMING USERS.

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed thirty-two (32) square feet. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building.

## Section 1230

## POLITICAL SIGNS--ANY DISTRICT

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other person responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following election day.

## Section 1240

## SIGN SETBACK REQUIREMENTS.

Except as modified in Section 1242 & 1243, on-premises signs, where permitted, shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

## Section 1241

## SETBACKS FOR OFF-PREMISES SIGNS.

Off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

## Section 1242

## SETBACKS FOR PUBLIC AND QUASI-PUBLIC SIGNS.

Real estate signs and bulletin boards for a church, school or any other public, religious, or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

## Section 1243

## SPECIAL YARD PROVISIONS.

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

## Section 1250

## LIMITATIONS.

For the purpose of this resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or commercial or land used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

## Section 1260

## VIOLATIONS.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 350 of this resolution. Political signs posted in violation of Section 1230 of this resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section 350 has been given.

## ARTICLE 13

## R-2-MOBILE HOME PARK DISTRICT REGULATIONS

## Section 1300

## GENERAL.

The purpose of the R-2-Mobile Home Park District regulations is to set specific conditions for the particular use.

## Section 1301

## SITING REQUIREMENTS.

Mobile home uses shall be located only in the R-2-Residential Zone. The minimum area required to establish a Mobile Home Park shall be fifty (50) gross acres with a minimum frontage of two hundred (200) feet on a dedicated highway.

## Section 1302

## MINIMUM YARD AND AREA REQUIREMENTS.

Mobile Home Parks shall meet Sections 3733.01 thru 3733.99 and 3701-27-01 thru 3701-27-31 (plus future amendments) of the Ohio Revised Code effective June 1, 1979, or the following minimum requirements:

1. Each mobile home lot shall have a land area of not less than 5545 square feet;
2. The body of each mobile home shall be located upon the lot so as to provide not less than seventy (70) feet distance from any building, public roadway, street, or alley, and not less than fifteen (15) feet distance from roadways and parkways within the mobile home park, and not less than seventy (70) feet distance from the mobile home park property line.
3. Each mobile home in a mobile home park shall be located upon the lot so as to provide not less than thirty (30) feet clear distance between the sides of mobile homes, thirty (30) feet clear distance between mobile homes placed end to end. In computing these distance requirements, lean-tos, auxiliary rooms, and similar accessories connected to the mobile home, but not including temporary porches and canopies which are open on two or more sides and constructed of fire-resistant materials, shall be considered as part of the mobile home. Any free-standing auxiliary buildings shall not be placed in the clear distance required between mobile homes, mobile homes and lot line, and mobile home and roadway;

## Section 1302

## MINIMUM YARD AND AREA REQUIREMENTS (cont'd)

4. Each mobile home park shall set aside and provide suitable recreational space consisting of not less than ten (10) per cent of the gross acreage, exclusive of roads, walks and parking areas.
5. Within thirty (30) days after its placement, each mobile home shall be skirted entirely enclosing the base. The maximum height of Mobile Homes and accessory buildings shall not exceed twenty (20) feet. Each Mobile Home lot (site) shall be provided with a paved patio area of at least two hundred (200) square feet in area. The patio shall be located on the entrance side of the mobile home.

Individual mobile homes located within the Mobile Home Park shall have a minimum floor area of seven hundred twenty (720) square feet exclusive of the tongue and bumper area.

Effective Date: October 14, 1987

**ZONING PERMIT FEES FOR GENEVA TOWNSHIP**

The following fees shall be paid prior to issuance of a Zoning Certificate or Hearing Request. Such fees are for the purpose of defraying the cost of inspection, certification, legal notices and maintaining necessary records. A receipt shall be issued therefore.

**RESIDENTIAL USE:**

- (a) Thirty- Seven Dollars (\$37.00) for a single family dwelling.
- (b) Twenty-two Dollars (\$22.00) for additions to an existing dwelling.
- (c) Twenty-two Dollars (\$22.00) for a accessory building.
- (d) Fifty-two Dollars (\$52.00) for the first two units of a multiple dwelling plus Fifteen Dollars (\$15.00) for each additional unit in any one building.
- (e) Fifty-two Dollars (\$52.00) for a two-family dwelling.
- (f) No charge for accessory buildings One Hundred (100) sq. ft. or less.

**COMMERCIAL USE:**

- (a) Two cents (2c) per square foot of area to be used with a minimum of Seventy-Five Dollars (\$75.00) and a Maximum of Seven Hundred Fifty (\$750.00.)
- (b) One and one half cents (1 1/2 c) per square foot of area to the above mentioned type structure with a minimum of Thirty- Seven Dollars (\$37.00) and a maximum of Seven Hundred Fifty Dollars (\$750.00) for any additions.
- (c) Twenty Dollars (\$20.00) for any accessory building to above structures.

**INDUSTRIAL USE:**

- (a) Two and One Half cents (2 1/2 c) per square foot for area to use for industrial structure provided that such fee shall not be less than Seventy-Five dollars (\$75.00) or more than Seven Hundred Fifty dollars (\$750.00).
- (b) One and one half cents (1 1/2 c) per square foot of area for a addition to above mentioned type structures, provided that such fee shall not be less than Thirty-Seven (\$37.00) and not more than Seven Hundred Fifty (\$750.00).
- (c) Thirty dollars (\$30.00) for accessory building for Industrial use.
- (d) 25 cents per ton landfill fee adopted January 26, 1994.

**SIGNS:**

OFF-SITE SIGNS

From 0 Sq Ft. to 25 sq ft.	\$25.00
From 26 sq ft. to 50 sq ft.	35.00
From 51 sq ft. to 100 sq ft.	75.00
From 101 sq ft. to 200 sq ft.	150.00
From 201 sq ft. to 300 sq ft. (max)	200.00

ON-SITE SIGNS:

From 0 sq ft. to 9 sq ft.	\$10.00
---------------------------	---------

From 10 sq ft. to 25 sq ft.	20.00
From 26 sq ft. to 50 sq ft.	30.00
From 51 sq ft. to 100 sq ft. (max)	40.00

ILLUMINATED SIGNS:

On-site signs	Add \$10.00
Off-site signs	Add 20.00

PORTABLE SIGNS:

Only one (1) portable per parcel of land.  
 Maximum size - 32 sq ft. Permits to  
 Obtained by owners of the sign

Minimum two (2) weeks	\$10.00
Maximum Twelve (12) weeks	per week 5.00

RE-ZONING OR ADENDMENT REQUEST	\$150.00
APPEALS BOARD HEARING REQUEST	75.00

This fee schedule adopted by Trustees August 9, 2000, and replaces fee schedule adopted by the Board on October 14, 1987.

**GENEVA TOWNSHIP ZONING MAP CHANGES**

Includes changes effective on the following dates;

August 10, 1984

November 9, 1984

December 13, 1985

February 21, 1986

May 24, 1990

February 2, 1993

October 11, 1993

Woodworth property on South Ridge East annexed by Geneva City

February 11, 1995

February 26, 1998

Reynold's Property on Rt. 20 at Ansel Rd. annexed by Geneva City

August 23, 1999

Valitsky (Cugel) Property on Austin Road annexed by Geneva City

January 14, 2000

Part of Austin Mobile Estates (Friendship Village) 11.5448 acres – Rezoned R2

September 11, 2002

Romeo property on Route 20 West owned by Geneva City, annexed to Geneva City 96.3568 acres

December 1, 2003

Waste Management Restrictive Covenant – 6.9 acre

July 11, 1984

Effective date August 10, 1984

Hearing on rezoning called to order at 9:09 p.m.

Present were Watkins, Pasqualone, Pruden and Clerk Ward.

In reference to rezoning certain premises at 4738 South Ridge East, Geneva Township from Residential District (R-1) to Commercial District.

It was moved by Pruden and second by Watkins to amend the Zoning Text to allow Ambulance Service as a permitted use under Section 903 Residential District (R-1). Watkins – Yes, Pruden – Yes; Pasqualone – No. Motion carried by majority vote.

Mr. Chaney is to apply to the Zoning Board of Appeals for a Permitted Use Permit (non-transferable) to operate his ambulance service in a Residential District (R-1). The Board of Appeals is requested to waive any permit fees.

In reference to rezoning a tract of land approximately 133 acres in the northwesterly portion of Lot 11, Section Two, Geneva Township, which tract adjoins acreage on east side of State Route 534 presently zoned Commercial, to a Commercial-Recreational.

It was moved by Watkins and second by Pasqualone to amend the Zoning Text (Rezone) to establish a Commercial-Recreational District for this tract of approximately 150 acres of land and to include as a Permitted Use's in this District the following: campgrounds – overnite, weekly or seasonal, with no time sharing or similar developments allowed; picnic areas, open air theaters, water slides, go cart track, hand ball and/or racquet club, gun club, riding stable, golf courses (all types), swimming pools, one (1) managerial residence (one (1) family only), horse riding club, lakes and ponds, ski and bob sled runs with lifts and those General Requirements listed in Section 906 would apply to this District also. Watkins – Yes; Pasqualone – Yes; Pruden – Yes. Motion carried by unanimous vote.

It was moved by Watkins and second by Pasqualone to adjourn. Motion carried with 3 ayes. Adjourned at 10:25 p.m.

Ray A. Watkins, Chairman  
D.E. Ward, Clerk

Vinney, Jo-Eisner, M.J.

Parcel 17-013-00-053-00 50.0 acres

Parcel 17-014-00-001-00 91.3 acres

Adopted October 10, 1984  
Effective November 9, 1984

The hearing on the application of Robert Wendell and property owners for the rezoning of London-Air Allotments and adjoining areas opened at 9:23 P.M.

Minimal discussion followed, with no oral or written objections being received.

It was moved by Pruden and second by Watkins, that the property known as London-Air Allotment and adjoining areas, situated on the south side of New London Road, (average dept. of 1,000 feet) between Commercial Zone along State Route 534 on the west side and a parcel in the name of J.S. and A.E. Lucas (17.50) acres), on the east side, from R-1 Residential District to R-2 Residential District; and that the adjoining Commercial Zone be adjusted more closely approximate existing lines of current lot-of-record.

Motion carried with 2 ayes

Adopted: January 22, 1986  
Effective: February 21, 1986

Public hearing to rezone the former R. Clutter property Parcel No. 17-016-00-038-00 35 acres and the former Davis-Walker property Parcel No. 17-016-00-040-00 26.42 acres from R-1 Residential and Commercial to Recreational District, called to order at 7:35 P.M.

It was moved by Pasqualone and seconded by Borcicky to accept the Zoning Board approval, changing parcels as described above from R-1 Residential and Commercial (first five hundred feet of dept) to Recreational District for all properties involved. Motion carried with 3 ayes.

Approved May 8, 1990 Election  
Effective May 24, 1990

Mr. Pasqualone moved for the adoption of the Resolution:

In regards to the Geneva Township Zoning Commission's approval as of October 30th, 1989 of the request to rezone from R-1 Residential District to Light - Medium Industrial District three (3) parcels of land in the name of John R. Doherty et al.

The Board of Geneva Township Trustees, in accordance with the following Modifications to the Doherty request for Zoning and Map changes, APPROVE THE CHANGE FROM R-1 Residential District to Waster management District of three (3) parcels of land as listed below.

MODIFICATIONS TO DOHERTY REQUEST  
FOR ZONING AND MAP CHANGES

CLARIFICATION

Map boundary includes the following parcels:

Doherty Sanitary Landfill, Inc.

Parcel No. 17-026-00-015-00  
42.73 Acres

J.R. And C.M. Doherty  
Parcel No. 17-026-00-014-00  
23.42 Acres

J.R. and C.M. Doherty  
Parcel No. 17-026-00-013-00  
16.71 Acres  
Total Acreage - 82-86

Motion carried with 3 ayes

Held January 3, 1993  
Effective Feb. 2, 1993

A motion was made by Pruden to support Michael Phillips' permission to extend his Commercial Zone 100 feet South of the current 500 feet, but this will not take effect until he erects an eight (8) feet opaque fence on the Southern boundary of the new zoned area. Pasqualone seconded the motion.

The roll call vote was as follows: Bromley, Yes; Pasqualone, Yes; Pruden, Yes. The motion passed.

The meeting was adjourned by common consent at 4:22 P.M.

LK & MA Phillips  
17-027-10-028-00 3.02 acres

Passed 1/11/95  
Effective 2/11/95

Hearing on Joseph Romeo's request for rezoning of his property fronting on North Avenue (Sellman Road), called to order by Chairman Pasqualone at 7:00 P.M.

Present were Pasqualone, Pruden, Bromley and Clerk Ward.

According to Ray Williams the Geneva Township Zoning Commission received a letter dated November 17th, 1994 from the Ashtabula County Planning commission, with their Board recommending that our Township Zoning Commission approving the rezoning change.

Williams noted that the Geneva Township Zoning commission approved the rezoning of Joseph Romeo's property fronting on North Avenue (Sellman Road) at their meeting of November 25th, 1994.

**LOCATION:** The proposed area for rezoning is located in Section 3, Range 20 and 21. This 7 + acre property is on the south side of Sellman Road (North Avenue) between Pandanarum Road and the Geneva City Limits. This proposed area of change extends 435 feet south from the centerline of Sellman Road and has approximately 725 feet frontage. Parcel numbers are 17-008-00-024-00 3.5 acres and Parcel Number 17-008-025-00, 12.27 acres.

It was moved by Bromley and seconded by Pruden to rezone Joseph Romeo's property, located on North Avenue (Sellman Road) from Light-Medium Industrial to R-1 Residential. Vote was as follows: Rezoning approved.

12-15-1999

Bromley read recommendations of Ashtabula Planning Commission and of Geneva Township Zoning Commission.

Mr. Pruden moved to adopt and approve Planning and Zoning Commissions recommendations to allow Rezoning of approximately 12.6 acres with the exception of Lots 22 to 27. Roll call vote – Pruden – Yes; Pasqualone – Yes; Bromley – Yes. Motion passed unanimously.

Pasqualone suggested that NLP be asked to construct a line fence surrounding six homes, playground be built, trash containers fenced in.

Pasqualone asked that a legal description of all of property zoned R-2, including this rezoning, be provided by NLP to become a part of the record.

Pruden explained that this rezoning would take effect in 30 days providing no challenges were filed.

Meeting adjourned at 8:27 p.m.

Chairman: R. Bromley  
 Chairman: Richard A. Pruden  
 Acting Clerk: Peter A. Pasqualone

The following described property is rezoned to R-2 effective January 14, 2000:

Situated in the State of Ohio, County of Ashtabula, Township of Geneva, being part of Lot Numbers 5 and 6, Section 2, Township 12, Range 5 of the Connecticut Western Reserve and being 11.5448 acres out of an original 67.804 acre tract conveyed to NLP Acquisition, Limited Partnership of Record in Deed Volume 109, Page 5244, records refer to Recorder's Office, Ashtabula County, Ohio, and being more particularly described as follows:

Beginning for reference at a railroad spike found at the centerline intersection of Austin Road-Township Road 209 (60 feet in width) and Maple Avenue-County Road 216 (60 feet in width);

Thence South 00 deg. 00'00" West, a distance of 879.10 feet along the centerline of said Austin Road and the East line of said Lots 5 and 6 to a railroad spike found at the point of beginning, said railroad spike found at the point of beginning, said railroad spike also being at the Southeast corner of a tract conveyed to G. W. Craft, of record in Deed Book 72, Page 4280;

Thence South 00 deg. 00'00" West, a distance of 273.90 feet continuing along the centerline of said Austin Road and the East line of said Lot 5 to railroad spike found;

Thence South 89 deg. 00'31" West, a distance of 1440.22 feet over and across said 67.804 acre tract and a portion of the North line of a tract conveyed to L. Zale of record in Deed Volume 611, Page 329 (passing a 5/8" iron pin set at 30.00 feet, and a 5/8" iron pin found at 1216.49 feet) to a 5/8" iron pin found;

Thence North 00 deg. 00'00" East, a distance of 337.99 feet over and across said 67.804 acre tract with a new line to a 5/8" iron pin found;

Thence North 90 deg. 00'00" East, a distance of 45.47 feet over and across said 67.804 acre tract with a new line 5/8" iron pin found;

Thence North 00 deg. 00'00" East, a distance of 60.00 feet over and across said 67.804 acre tract with a new line to a 5/8" iron pin set;

Thence North 90 deg. 00'00" East, a distance of 895.00 feet over and across said 67.804 acre tract with a new line (passing a 5/8" iron pin found at 270.00 feet) to a 5/8" iron pin found on the East line of said 67.804 acre tract, the West line of a tract of land conveyed to G. S. & G. M. Wimbs of record in Deed Volume 76, Page 9950;

Thence South 00 deg. 00'00" West, a distance of 99.17 feet along the East line of said 67.804 acre tract, a portion of the West line of said Wimbs tract, the West line of a tract of land conveyed to G. W. Craft of record in Deed Volume 72, Page 4280 to a 5/8" iron pin found marking a Southeast corner of said 67.804 acre tract, the Southwest corner of said Craft tract;

Thence North 90 deg. 00'00" East, a distance of 499.53 feet along a North line of said 67.804 acre tract, the South line of said Craft tract (passing a 5/8" iron pin set at 469.53 feet) to the point of beginning containing 11.5448 acres of land, more or less.

The above description was based on a survey prepared by Makeever and Associates, Inc. under the direct supervision of Robert Lyn Makeever, P.S. Professional Surveyor Number 6828, dated March 21, 2000, and is subject to all highways, easements and restrictions of record.

Bearings shown herein are to an assumed azimuth and are to denote angles only.

All iron pins set are 5/8" O.D. X 30" long reinforcing rods with yellow plastic caps stamped "Makeever & Assoc." unless otherwise noted.

The above described property is known as Permanent Parcel Number 17-015-00-015-07, and the above legal description can be found at Volume 132 Page 742 of the records of the Ashtabula County Recorder's Office.

## ANNEXATION AND DETACHMENT OF TERRITORY

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
607	07-08-1929	Accepting application of William Klinger et al. for annexation of part of Lot 16, Sec. 2, in Geneva Twp.
617	03-10-1930	Accepting application of Helen Crittenden, et al., for annexation of territory.
942	01-26-1948	Authorizing annexation of certain territory
948	07-26-1948	Approving annexation of certain territory.
949	08-09-1948	Accepting application of Oather N. Baker, et al., for annexation of part of Lots 3 and 4, Sec. 2, in Geneva Twp.
986	09-11-1950	Annexation of part of Lot 16, Sec. 2, in Geneva Twp.
1197	09-09-1955	Accepting application of Theodore Clark, et al., for annexation of part of Lot 16, Sec. 2, Geneva Twp.
1241	09-24-1956	Authorizing annexation of all of Geneva Twp. except land within corp. limits of Villages of Geneva and Geneva-on-the-Lake and except parts of Lots 4, 5 and 7, Sec. 1, and part of Lot 15, Sec. 2. Rescinded by ballot.
1243	11-26-1956	Accepting application of Mildred Woodworth, et al., for annexation of part of Lot 7, Sec.1, and part of Lot 16, Sec. 2, Geneva Twp.
1244	11-26-1956	Accepting application of F. J. Stuetzer, et al., for annexation of territory in Geneva Twp. and Harpersfield Twp.
1268	05-13-1957	Accepting application of W. J. Drake, et al., for annexation of part of Lots 3 and 4, Sec. 2, Geneva Twp.
1303	02-24-1958	Accepting application of J. B. Boyd, et al., for annexation of part of east half of Sec. 3 in Geneva Twp.
2069	07-23-1984	Accepting application of Mark J. Osborne, et al., for part of Lot 16, Sec. 2 and part of Lot 5, Sec. 1, Geneva Twp.
2123	02-24-1986	Accepting application of E. E. and T. Ackley for 18.8 acres in Geneva Twp. Par of Lot 17, Sec. 1.
2258	04-09-1990	Annexation of 19.6603 acres in Geneva Twp. contiguous to and owned by City. Part of Lot 3 and 4, Sec. 2, City Dump.

## ANNEXATION AND DETACHMENT OF TERRITORY (cont'd)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2271	07-09-1990	Annexation of 22.4937 acres in Geneva Twp. contiguous to City. Part of Lot 5, Sec.1, Mt. Pleasant Cemetery.
2377	10-11-1993	Accepting application of W. H. Douglass, agent, et al., for annexation of 148.27 acres of land in Geneva Twp. Part of Lot 7, Sec. 1.
2593	01-26-1998	Accepting application of W. E. and J. F. Reynolds for annexation of 9.299 acres of land in Geneva Twp. Part of Lot 10, Sec. 1.
	08-23-1999	Accepting application of James E. Miller III, agent for Lake Erie Land Company, for annexation of 61.1409 acres. Part of Lot 16 and 17, Sec. 1 (Valitsky, et al.).
2772	08-12-2002	Accepting application of James Pearson, City Manager, Geneva, Ohio of 96.3568 acres of property formerly owned by Amelia P. Romeo including Parcel Number 17-007-00-066-00, 17-008-00-024-00, and 17-008-00-025-00.

Held October 9, 2003  
Effective December 1, 2003

Geneva Township Trustee's public hearing, October 9, 2003.

The meeting was called to order by Chairman Mills at 7:00 p.m. Those present were Mr. Mills, Mr. Pasqualone, Mr. Pruden and Clerk Long. The public hearing was considering approval by the zoning commission of re0zoning 6.9 acres, requested by Waste Management.

Mr. Evan Johns, General Manager of the Geneva Landfill, presented their proposal requesting the re-zoning of 6.9 acres to relocate the truck scales, provide office space, a tire wash, and re-direction of some roads. A number of citizens spoke in opposition to the re-zoning, indicating they felt that it was an expansion of the Waste Management area and they were against any expansion of any type. A number of citizens also spoke in favor of the proposal citing the fact that it would lead to better traffic control, less congestion, less mud being transported on the trucks, etc.

Several items within the covenant provided were questioned by members of the audience. Most of the changes requested were acceptable to Waste Management. A decision was finally reached accepting the decision of the Geneva Township Zoning Commission contingent upon approval of the covenant by the township's attorney. This was followed by a row call. The results which are, Mr. Mills – Yes, Mr. Pasqualone – No, Mr. Pruden – No. In order to overrule the zoning commission, it would take a unanimous vote of the trustee's. As a result of this vote, contingent upon the agreement above, the ruling of the zoning commission would stand.

There being no further business, the meeting was adjourned at 8:12 p.m.

Timothy Mills, Chairman  
Tony Long, Clerk

**RESTRICTIVE COVENANT**

**USA WASTE MANAGEMENT GENEVA LANDFILL, INC.** (“USA Waste”), a Delaware corporation formerly known as Sanifill of Ohio, Inc., whose mailing address is 2581 Tuttle Road, Geneva, Ohio, 44041, is the owner of approximately 6.9 acres of real property located in Geneva Township, Ashtabula County, Ohio (the “Property”) as more particularly described on Exhibit A, attached hereto and made a part hereof. The Property is part of property owned by USA Waste, pursuant to Limited Warranty Deed dated February 28, 1997, and recorded in Volume 94, Page 2766 of the Ashtabula County Deed Records.

WHEREAS, USA Waste desired to have the Property rezoned from Geneva Township zoning classification R-1 Residential to WM Waste Management in order to accommodate the relocation of the entrance to USA Waste’s facility on Tuttle Road,

WHEREAS, USA Waste represented to the Geneva Township Zoning Commission and the Geneva Township Board of Trustees in the rezoning process that the Property would only be used in a limited manner, and

WHEREAS, the Geneva Township Zoning Commission and the Geneva Township Board of Trustees approved the rezoning based on USA Waste’s representation as to the use of the Property,

NOW THEREFORE, USA Waste hereby imposes the following restrictions on the Property for the benefit of Geneva Township:

1. The Property shall be used solely as an entrance to USA Waste’s facility located adjacent to the Property and, subject to the provisions of the Covenant, such use may include the construction, use, maintenance, repair and replacement of a roadway, offices, storage, parking, scale, wheel wash, and septic system on the Property.
2. The Property will not be used as an extension or expansion of the existing landfill disposal area located adjacent to the Property.
3. The Property shall not be used for the storage or disposal of solid waste or construction and demolition debris.
4. The Property shall not be used for a solid waste transfer facility/station, composting facility/operation, recycling center, or waste reduction center.
5. To the extent that roll off containers are stored or parked on the Property, only empty roll off containers are permitted.
6. this covenant does not exempt USA Waste from obtaining any permits or approvals which are required according to state or local regulations for the Property.
7. This covenant shall run with the land and is binding upon USA Waste Management.
8. The terms of this covenant are for the benefit of Geneva Township and may not be altered, amended or cancelled at anytime without the express written approval of the Geneva Township Board of Township Trustees. Any such written approval shall be recorded in the Ashtabula County Deed Records.
9. Geneva Township, by and through its Board of Township Trustees, shall have the right to enforce by any legal means the performance of the terms of this covenant.
10. If any provision contained herein shall be found invalid, illegal, or unenforceable by a court of competent jurisdiction, such finding shall not affect any other provision of this agreement, and it shall be construed as if it had never contained such provision.

IN WITNESS WHEREOF, USA Waste, by its duly authorized representative, has executed this instrument with intent to be legally bound on this 25<sup>th</sup> day of November 2003.

USA Waste Geneva Landfill, Inc., a Delaware Corporation  
By: Robert A. Smith, Market Area Vice President

**EXHIBIT A**

SITUATED IN THE TOWNSHIP OF GENEVA (TOWNSHIP 12N OF THE 5<sup>TH</sup> RANGE OF TOWNSHIPS OF THE CONNECTICUT WESTERN RESERVE), ASHTABULA COUNTY, STATE OF OHIO, BEING PART OF ORIGINAL LOT 2 OF SECTION ONE OF THE TOWNSHIP OF GENEVA, BEING ALSO A PART OF A PARCEL OF LAND, NOW OWNED BY USA WASTE GENEVA LANDFILL, INC. PER OFFICIAL RECORD 94, PAGE 2766 OF THE ASHTABULA COUNTY RECORDS, AND BEING MORE FULL DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTH LINE OF LOT 2 OF SECTION ONE OF GENEVA TOWNSHIP WITH THE CENTERLINE OF RIGHT OF WAY OF TUTTLE ROAD T.H. 203 (55 FEET WIDE R/W), SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING FOR THE FOLLOWING PARCEL OF LAND HEREIN DESCRIBED;

THENCE S 01°29'41" E, 701.79 FEET, ALONG THE CENTERLINE OF RIGHT OW WAY OF TUTTLE ROAD, TO A CONCRETE MONUMENT FOUND AT AN ANGLE POINT IN THE CENTERLINE OF RIGHT OF WAY OF TUTTLE ROAD;

THENCE CONTINUING, S 01°29'41"E, 445.72 FEET, ALONG A LINE OF THE CENTERLINE OF RIGHT OF WAY OF TUTTLE ROAD PROJECTED SOUTH, TO A POINT;

THENCE N 60°14'41" W, 151.36 FEET, TO A POINT;

THENCE N 04°55'53" W, 148.99 FEET, TO A POINT;

THENCE S 89°53'24" W, 437.01 FEET, TO A POINT;

THENCE N 00°31'43" W, 242.51 FEET, TO A POINT;

THENCE N 87°45'43" E, 191.46 FEET, TO A POINT;

THENCE N 55°59'43" E, 37.00 FEET, TO A POINT;

THENCE N 00°00'00" E, 140.35 FEET, TO A POINT;

THENCE N 53°47'28" E, 208.86 FEET, TO A POINT;

THENCE N 00°00'00" E, 110.49 FEET, TO A POINT;

THENCE N 25°57'20" E, 309.66 FEET, TO A POINT ON THE NORTH LINE OF LOT 2;

THENCE N 87°45'43" E, 27.50 FEET, ALONG THE NORTH LINE OF LOT 2, TO THE POINT OF BEGINNING AND CONTAINING 6.9268 ACRES OF LAND, MORE OR LESS.

OF THE ABOVE AREA, 3.2220 ACRES OF LAND, MORE OR LESS, ARE CONTAINED IN THE ASHTABULA COUNTY AUDITOR PARCEL NUMBER 17-026-00-016-00, 0.6772 ACRES OF LAND, MORE OR LESS, ARE CONTAINED IN ASHTABULA COUNTY AUDITOR PARCEL NUMBER 17-026-00-017-00, AND 3.0267 ACRES OF LAND, MORE OR LESS, ARE CONTAINED IN ASHTABULA COUNTY AUDITOR PARCEL NUMBER 17-026-00-018-00.