

ARTICLE 2 DEFINITIONS**200.00 INTERPRETATION OF TERMS OR WORDS**

- A. For the purpose of this resolution, the following rules of interpretation for the terms and words shall apply:
- B. The word "person" includes an individual, association, organization, partnership, trust, company, corporation or any other legal entity.
- C. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular, unless the context clearly indicates the contrary.
- D. The word "shall" is a mandatory requirement.
- E. The word "may" is a permissive requirement.
- F. The word "should" is a preferred requirement.
- G. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

201.00 WORDS AND TERMS DEFINED:

- A. The words and terms used in this resolution shall be defined as follows:

Accessory building, structure or use means either a subordinate use of a building, other structure or lot or a subordinate building or structure, whose use is clearly incidental to the use of the principal building, other structures or use of land, and which is customary in connection with the principal building, other structures or use of land, and which is located on the same lot with the principal building, other structures or use of land.

Adult family home means a residence or facility that provides accommodations for three (3) to five (5) unrelated adults and supervision and personal care services to at least three (3) of those adults.

Adult group home means a residence or facility that provides accommodations for six (6) to sixteen (16) unrelated adults and supervision and personal care services to at least three (3) of those adults.

Agriculture is defined in Section 519.01 of the O.R.C.

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

Antenna means any system of wires, poles, rods, discs, dishes, or similar devices used for the transmission or reception of electromagnetic waves

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attached to the exterior of a building or mounted in the ground independent (freestanding) of a building on a tower.

Automotive repair means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive wrecking means the dismantling or wrecking of motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Average finished grade level means the average of the grade of the ground at all corners of a building or other structure.

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

Bed and Breakfast means a residence containing living and sleeping accommodations for transient occupancy.

Building means a temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for support, enclosure, shelter, or protection of persons, animals, chattels or property.

Building, principal means a building within which the main or primary permitted use is conducted on a lot.

Building height means the vertical distance measured from the average finished grade level to the highest point of the building.

Building line means a line indicating the actual location of the perimeter of the building. (See Set-back Line).

Cemetery means land used or designated to be used for the burial of the human or animal dead.

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

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

Clinic means any building or other structure devoted to the diagnosis, treatment and outpatient care of human ailments by licensed physicians and medical staff.

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

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Commercial parking garage means any building

1. for the storage of motor vehicles and/or recreational vehicles
2. containing space rented to the general public for the storage of motor vehicles and/or recreational vehicles

Commercial parking lot means any lot

1. for the storage of motor vehicles and/or recreational vehicles
2. containing space rented to the general public for the storage of motor vehicles and/or recreational vehicles

Commission means the Zoning Commission of Claridon Township.

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

Conditional Zoning Certificate means a certificate issued by the Zoning Inspector upon approval of the Township Board of Zoning Appeals for a conditional use.

County means Geauga County, Ohio.

County Home means a home as defined in Chapter 5155 of the O.R.C.

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

Deck means a structure with or without a roof that is attached to a building or is freestanding and is supported by posts.

Density means a unit of measurement representing the number of buildings, structures or dwelling units per acre of land.

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

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

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

Dwelling means any building or structure (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling shall include an industrialized unit and a manufactured home as defined herein. A dwelling shall have one (1) dwelling unit only.

Dwelling, single family means a building consisting of one detached dwelling unit to be occupied by one family only.

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

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

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

Exterior display or sales area means an open area on a lot used to purvey goods, merchandise or services sold within the principal building on the same lot. Such goods or merchandise shall be available for direct sale and shall not be within shipping cartons or crates.

Exterior storage area means an open area on a lot used for parking or storage of equipment, materials, machinery or vehicles in connection with the principal building, structure, or use on the same lot for a period of twenty-four (24) hours or more.

Family means one (1) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority, association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses.

Farm market means the use of any land or building where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. (See O.R.C.).

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

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

Fire Protection Pond means a pond constructed on a lot in accordance with Article 4 of this resolution.

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Floor area means the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. **Floor area shall not include:**

1. Basement space.
2. Elevator and stair bulkheads.
3. Attic space.
4. Terraces, breezeways and open porches.
5. Uncovered steps.
6. Garages.
7. Crawl space.

Frontage means the horizontal distance measured between the side lot lines of a lot, measured along the front lot line.

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

Garage means a building to be used for the storage of motor vehicles.

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

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

Government Agency means an agency of the United States, the State of Ohio, or any political subdivision thereof, including those of the county or township.

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

Home occupation means an accessory use in districts where allowed, that shall meet the regulations to maintain the residential character of the neighborhood while providing opportunities for home-based businesses and which otherwise complies with the provisions of this resolution. A zoning certificate is required,

Hospital means a building containing beds for patients and devoted to the medical diagnosis, treatment and care of human ailments by a medical staff. A licensed physician must be present in the hospital twenty-four (24) hours a day.

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

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

Industrialized Unit means a building as defined in O.R.C. for which an insignia has been issued by the Ohio Board of Building standards pursuant to the Ohio Administrative Code.

Junk vehicle means any vehicle that meets all of the following criteria. It is (1) three years old or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

Junk means old or scrap ferrous or nonferrous materials, including, but not limited to old or scrap building materials, copper, brass, rope, rags, trash, waste, batteries, paper, rubber, dismantled or wrecked vehicles or parts thereof, iron, and steel.

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

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

Lake means a water impoundment made by constructing a dam or an embankment or by excavating a pit or dug out; having a surface area of five (5) or more acres.

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

Loading/unloading space means space provided for pickups and deliveries for commercial and restricted industrial uses.

Lot Means a parcel of land which shall be a lot of record.

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

Lot, coverage means the percentage of the total lot area that is occupied by the total horizontal area of all buildings, structures and parking areas on a lot.

Lot, measurements a lot shall be measured as follows:

1. **Depth** means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. **Width** means the shortest distance that occurs between the side lot lines measured anywhere between the front lot line and the setback line.

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

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

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

Lot line, front means the boundary line which abuts the right-of-way line of a public or private road. In the case of a corner lot or multiple frontage lot, the road that determines the front lot line shall be designated by the lot owner.

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

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

Lot of record means a parcel of land shown as a separate unit on the last preceding tax roll of the county, and either as a separate lot on a subdivision plat recorded in the office of the County Recorder or as a lot described by metes and bounds on a deed or instrument of conveyance, the description of which has been so recorded.

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

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

Minerals means substances or materials extracted from natural deposits on or in earth.

Mobile home means a building unit or assembly of closed construction as defined in the O.R.C., and which is designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined in this resolution. A building or nonself-propelled vehicle is a "mobile home" whether or not axles,

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chassis, hitch, wheels or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

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

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

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

Nursing home means a home as defined in the O.R.C. and generally used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal assistance but not skilled nursing care. A nursing home is licensed to provide personal assistance and skilled nursing care.

Off-street loading space means any loading space located outside of the road right-of-way.

Ohio Revised Code O.R.C.

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

O.R.C. means Ohio Revised Code.

Organized Camp Facility Organized Camp Facilities utilize the resources of the natural surroundings to contribute significantly to the mental, physical, social and spiritual growth of the participants, and encompasses a minimum of the following five elements: out-of-doors, recreation, group living, educational and social interaction, under the supervision of trained leadership in an organized setting.

Parking lot means an off-street space designed for parking of vehicles including driveways and aisles.

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

Personal wireless services means commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services.

Personal wireless service facility means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by the United States Code

ARTICLE 4 DISTRICT REGULATIONS

400.00 GENERAL

- A. The uses set forth as principal uses in each zoning district shall be permitted by right as the principal building, structure or use of a lot.
- B. The uses set forth as accessory uses in each zoning district shall be permitted by right as building, structures or uses which are subordinate and incidental to principal buildings, structures and uses.
- C. The uses set forth as conditional uses in each zoning district shall not be permitted by right. Such buildings, structures, and uses may be permitted only under specific conditions and in accordance with the provisions of Article 7.
- D. All parking shall be in accordance with Article 5 of this resolution.
- E. All signs shall be in accordance with Article 6 of this resolution.

400.01 LIMITATIONS

- A. Buildings, structures and land shall be used, and buildings and structures shall be designed, erected, altered, moved or maintained in whole or in part in all districts only for the uses set forth in the following schedules and regulations of this resolution and only those uses as prescribed in each section shall be permitted in the respective district provided such uses do not emit or create any danger to health and safety on the affected lot and in the surrounding area, and do not create any offensive, hazardous or noxious noise, vibration, smoke, dust, heat, glare, flame, air pollutants or other objectionable influences.

400.02 PROHIBITED USES IN ALL ZONING DISTRICTS:

- A. Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefore, unless and until a zoning amendment to provide for such use has been adopted in accordance with Article 11 or a variance has been granted in accordance with Article 9.
- B. Lighting fixtures and devices which are arranged to reflect lights on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.
- C. Mobile homes on individual lots outside of mobile home parks shall be prohibited.
- D. The storage of junk vehicles, including unlicensed collector's vehicles, outside of a fully enclosed building shall be prohibited.
- E. Junk yards and the storage of junk or burial of junk shall be prohibited.
- F. Automotive wrecking shall be prohibited.
- G. The storage, incineration or burial of hazardous waste shall be prohibited.
- H. Landfills shall be prohibited.

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- I. The manufacture, distribution or sale of drug paraphernalia, as herein defined and drug paraphernalia establishments shall be prohibited.
 - 1. Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, enhancing the effect of or otherwise introducing into the human body, a controlled substance as defined in Chapter 3719 of the O.R.C..
 - 2. Drug paraphernalia establishment means any place, whether or not operated as a business, within a building, structure, or dwelling, or any part thereof, of any parcel located within the township where drug paraphernalia, as defined by this article, is manufactured, distributed or offered for sale. Drug paraphernalia establishments do not include manufacturers, practitioners, pharmacists, owners of pharmacies or other personas who conduct a business or profession in accordance with Chapter 3719, 4715, 4729, 4731, and 4741 of the O.R.C
- J. Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21.

400.03 EROSION CONTROL REGULATIONS IN ALL DISTRICTS

- A. In all zoning districts, an erosion control plan shall be included with an application for a zoning certificate for the construction of all principal permitted, accessory and conditional buildings, structures, uses, and off-street parking or loading/unloading areas allowed by this resolution and any additions thereto on lots less than one (1) acre in size; provided, however, an erosion control plan shall not be required for any principal permitted, accessory, or conditional buildings, structures, and off-street parking or loading/unloading areas or any additions thereto containing less than three hundred (300) square feet in area. If the lot is one (1) acre or more in area, the applicant shall include with an application for a zoning certificate written documentation from the Geauga Soil and Water Conservation District (SWCD) that an erosion control plan has been submitted and approved for the subject lot.
- B. An erosion control plan shall be prepared by the applicant, a professional engineer registered with the state of Ohio, a soils scientist, or a private contractor and must address temporary and permanent measures for controlling erosion during and following construction. The content of the plan and such temporary and permanent measures to control erosion shall meet all requirements for sediment and erosion control contained within the Geauga Soil and Water Conservation District regulations.
- C. An erosion control plan shall be submitted by the applicant to the Zoning Inspector. The Zoning Inspector shall advise the applicant that the plan may be forwarded by the Zoning Inspector to the Geauga Soil and Water Conservation District for technical assistance and review.

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- D. All areas affected by earth disturbing activities on a lot shall be permanently seeded and mulched pursuant to the erosion control plan within one hundred twenty (120) days after the date an occupancy permit has been issued by the Geauga County Building Department. If said permit is issued between the time period of November 1 to April 15 of the following calendar year, temporary stabilization measures pursuant to the erosion control plan shall be utilized.

401.00 RESIDENTIAL - R-1

401.01 PRINCIPAL BUILDINGS, STRUCTURES AND USES

- A. There shall be no more than one principal building, structure or use on a lot.

401.02 PERMITTED PRINCIPAL BUILDINGS, STRUCTURES AND USES

- A. Cemeteries
- B. Churches
- C. Governmental Offices and township uses
- D. Police and Fire stations
- E. Public Parks owned or leased by a political subdivision of the state of Ohio
- F. Public or Private schools
- G. Single family detached dwellings, including industrialized units and manufactured homes (other than mobile homes or trailers). There shall be no more than one single family detached dwelling on a lot.
- H. Adult family homes and licensed residential facilities

401.03 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. Permitted Accessory Buildings, structures and uses must be on the same lot with and incidental or subordinate to the principal permitted building, structure or use and not within the required yard area. There shall be a minimum of twenty (20) feet between all buildings and structures.
 - 1. Wind system devices, in accordance with Sections 401.07 and 401.08.
 - 2. Farm markets (roadside), provided that fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and adequate and proper off-road parking must be provided.
 - 3. ~~Fences and walls in accordance with the following regulations:~~
 - ~~(1) Fences and walls shall be erected outside of the right-of-way of any public or private road.~~
 - ~~(2) Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.~~
 - ~~(3) Fences and walls shall not be unsafe, unsightly or be in danger of falling.~~

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4. 3. Off-street parking and loading/unloading spaces in accordance with Article 5.
5. 4. Private garages designed and used for the storage of noncommercial motor vehicles owned and/or operated by the occupants of the principal building or structure.
6. 5. Radio, television or satellite dish antennas in accordance with Sections 401.07 and 401.08. Ground mounted satellite dish antennas shall not be located in front of the principal building on a lot. No zoning certificate shall be required for a satellite dish antenna that is less than three (3) feet in diameter in any residential zone or less than six (6) feet in diameter in any commercial or restricted industrial zone.
7. 6. Sanitary and drinking water facilities.
8. 7. Signs in accordance with Article 6.
9. 8. Storage buildings designed and used for the storage of playground equipment, non-commercial tools and equipment owned by the occupants of the principal building or structure.
10. 9. Swimming pools, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred and fifteen (115) square feet, in accordance with the following regulations:
 - (1) A swimming pool shall be used solely for the enjoyment of the occupants of the principal use, or their guests, of the property on which it is located.
 - (2) A swimming pool shall not be located in a required yard.
 - (3) A swimming pool shall be completely enclosed by a fence at least four feet (4) in height.
11. 10. Recreational vehicles. One recreational vehicle may be parked in any side or rear yard on occupied property in any district, but shall not be used for residence purposes and shall not be permitted in a required front yard.
12. 11. Porches, decks, patios, and steps with or without a roof.
13. 12. Central outdoor heating system.
14. 13. Ponds or lakes subject to the following regulations:
 - a. Location: Ponds or lakes shall be a minimum of one hundred (100) feet from roads, septic system lines and leach beds. Ponds or lakes shall not be in a required yard. Excess fill areas shall be placed away from drainage area. Borrow areas shall be drained and revegetated.
 - b. Construction may be as recommended by Geauga Soil and Water Conservation District.
15. 14. Home Occupations: A home occupation, in districts where allowed, shall meet the following regulations to maintain the residential

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- B. The maximum height of antennas, church spires, belfries, wind systems, light poles, flag poles, water towers, and transmission towers shall be no higher than the distance from its base to the nearest lot line.

401.09 MINIMUM FLOOR AREA

- A. In calculating the minimum floor area, the following areas shall not be included: basements; crawl spaces; attics; garages; enclosed or unenclosed porches, patios, decks, and breezeways.
 - 1. The minimum floor area for a single family detached dwelling shall be one thousand (1,000) square feet.
 - 2. The minimum floor area for a single family detached dwelling with more than one story must have a minimum of seven hundred fifty (750) square feet of floor area on the first floor and a total minimum floor area of one thousand (1,000) square feet.

401.10 PERMITTED STRUCTURES AND USES IN REQUIRED YARDS

- A. The following structures and uses shall be permitted in the minimum yards set forth in this resolution without a zoning certificate, unless otherwise indicated. None of which shall block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 - 1. Awnings or canopies over windows and doors, provided no signage is located thereon unless a zoning certificate is obtained.
 - 2. Chimneys
 - 3. Clotheslines and support poles
 - 4. Driveways, in accordance with Article 5 this resolution.
 - 5. Fences and walls, zoning certificate required
 - (1) Fences and walls shall be erected outside of the right-of-way of any public or private road.
 - (2) Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 - (3) Fences and walls shall not be unsafe or be in danger of falling.
 - (4) Along lot lines the unfinished side of a fence, including the structural supports and posts, shall face the property upon which the fence is constructed.
 - 6. Flagpoles which shall not be taller than the distance from its base to the nearest lot line.
 - 7. Mailboxes and newspaper tubes
 - 8. Ornamental and security lighting fixtures which shall not be taller than the distance from its base to the nearest lot line.

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ARTICLE 6

SIGNS

- e. Billboards shall be spaced a minimum of two thousand five hundred (2,500) feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the township, where the affected road extends beyond such boundaries.
- f. A billboard shall be located a minimum of fifty (50) feet from any residential zoning district boundary. The setback shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.
- g. A billboard shall be located a minimum of fifty (50) feet from the center of the road, an existing residential dwelling, a church or place of worship, a cemetery, a school, a public park or playground, a public library or a day care center. The setback shall be measured from the nearest lot line to the nearest portion of a billboard.
- h. A billboard shall be located a minimum of fifty (50) feet from the center of the road. The setback shall be measured from the front lot line to the nearest portion of the billboard.
- i. A billboard shall be setback a minimum of twenty (20) feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
- j. A billboard shall be setback a minimum of fifty (50) feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.
- k. A billboard shall be setback a minimum of fifty (50) feet from the center of the road from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
- l. A billboard shall be setback a minimum of forty (40) feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of the billboard.
- m. The maximum height of a billboard shall be ~~fifty (50)~~ **thirty five (35)** feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.
- n. The maximum sign face of a billboard shall be ~~three hundred (300)~~ **two hundred (200)** square feet.
- o. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.
- p. A billboard shall not project over a driveway.
- q. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any

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ARTICLE 13 _____ ADULT ORIENTED BUSINESS

ARTICLE 13 ADULT ORIENTED BUSINESS

Is an Article for the purpose of regulating the location of adult oriented businesses.

1300.00 Definitions

A. For the purposes of this article, the following definitions of terms shall apply.

1. “**Adult arcade**” means an establishment where coin operated or slug/token operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing or image-transmitting devices are maintained to show images to no more than one (1) person per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.” See also video viewing booth or arcade booth.
2. “**Adult bathhouse or sauna**” means a steam bath or heated bathing room used for the purpose of bathing, relaxation, or using steam or hot air as a cleaning, relaxing or reducing agent and the service provided is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
3. “**Adult cabaret**” means a building or portion thereof including a nightclub, bar, restaurant or similar establishment which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on: Persons who appear in a state of nudity, or The exhibition of “specified anatomical areas” or “specified sexual activities” for observation by patrons.
4. “**Adult massage business**” means an establishment where, for any form of consideration, manipulation of human muscles or tissue by rubbing, stroking, kneading or other treatment of the body is practiced which is characterized by emphasis on matters related to “specified sexual activities” or “specified anatomical areas,” unless such massage treatment is practiced by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional practitioner licensed by the state.
5. “**Adult media**” means magazines, books, videotapes movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.
6. “**Adult media store**” means an establishment that rents and / or sells media and that meets any of the following: five (5%) percent or more of the gross public floor area is devoted to adult media. Five (5%) percent or more of the stock in trade consists of adult media. It advertises or markets itself in any forum as “X