

# Zoning Resolution

Newbury Township

Geauga County

Ohio



## AMENDMENTS

Amended	Adopted	Effective
April 20, 2000	June 8, 2000	July 8, 2000
April 5, 2001	May 7, 2001	June 6, 2001
October 17, 2001	November 19, 2001	December 18, 2001
February 20, 2002	March 18, 2002	April 16, 2002
July 17, 2002	October 7, 2002	November 5, 2002
November 20, 2002	January 6, 2003	February 5, 2003
October 21, 2003	November 19, 2003	December 19, 2003
April 20, 2004	May 19, 2004	June 18, 2004
September 27, 2005	December 7, 2005	January 6, 2006
January 3, 2009	January 21, 2009	February 20, 2009
June 13, 2009	July 15, 2009	August 14, 2009
July 28, 2010	September 1, 2010	October 1, 2010
December 21, 2011	February 1, 2012	March 2, 2012
July 29, 2013	September 8, 2013	October 19, 2013
February 3, 2017		

**“Newbury 2020 Vision”**  
A Vision Statement  
Of the  
Newbury Township  
Zoning Commission

October 2, 1997

By the year 2020, we envision, in this place known as Newbury Township, Ohio

- An Atmosphere friendly to residents and business owners.
- A thriving community, neither stagnant nor booming.
- A rural ambiance.
- A safe, healthful environment.
- Desirable communities in which to live, work, and raise a family.
- A town center (“greens” or “downtown”).
- Preservation and display of historical artifacts and properties to enhance our Township heritage.

## Table of Contents

<b>ARTICLE I.</b>	<b>GENERAL PROVISIONS</b>	<b>1</b>
Section 1.00	Title	1
Section 1.01	Jurisdiction	1
Section 1.02	Declaration of Purpose	1
Section 1.03	Provisions of Resolution Declared to be Minimum Requirements	1
Section 1.04	Powers Not Conferred by Chapter 519 of the Ohio Revised Code or this Resolution	2
Section 1.05	Schedule of Fees, Charges, and Expenses; and Collection Procedure	2
Section 1.06	First Day Excluded and Last Day Included in Computing Time Exceptions; Legal Holiday Defined	2
Section 1.07	Computation of Time	3
Section 1.08	Specific Provision Prevails Over General Exception	3
Section 1.09	Irreconcilable Amendments	3
Section 1.10	Continuation of Prior Amendment	3
Section 1.11	Effect of Amendment	3
Section 1.12	Annexed Territory	4
Section 1.13	Severability	4
<b>ARTICLE II.</b>	<b>DEFINITIONS</b>	<b>9</b>
Section 2.00	Interpretation of Terms or Words	9

Table of Contents

Section 2.01	Words and Terms Defined	9
<b>ARTICLE III.</b>	<b>ZONING DISTRICTS AND OFFICIAL MAP</b>	<b>31</b>
Section 3.00	Zoning Districts	31
Section 3.01	Description of Zoning Districts	31
Section 3.02	Official Zoning Map	43
Section 3.03	Location of Official Zoning Map	44
Section 3.04	Amendments to the Official Zoning Map	44
Section 3.05	Township Zoning Map	45
<b>ARTICLE IV.</b>	<b>DISTRICT REGULATIONS</b>	<b>49</b>
Section 4.00	General	49
Section 4.01	Prohibited Uses In All Zoning Districts	49
Section 4.02	Yard Sales	51
Section 4.03	Erosion Control Regulations In All Zoning Districts	52
Section 4.04	Dish Antennas	52
Section 4.05	Temporary Uses	52
<b>ARTICLE V.</b>	<b>R-1 — RESIDENTIAL DISTRICT</b>	<b>57</b>
Section 5.00	Purpose	57
Section 5.01	Permitted Principal Buildings, Structures, and Uses	57
Section 5.02	Permitted Accessory Buildings, Structures, and Uses	57

# Table of Contents

vii

Section 5.03	Conditional Buildings, Structures and Uses	61
Section 5.04	First Dwelling area in a split-level of more than one level dwelling.	66
Section 5.05	Minimum Yards, Lot Area, and Residential Floor Area; for Buildings, Structures and Uses, including Accessory Buildings, Structures and Uses	66
Section 5.06	Permitted Buildings, Structures, and Uses in Required Yards	68
Section 5.07	Maximum Height	70
Section 5.08	Minimum Lot Width	70
Section 5.09	Rear Lots	70
Section 5.10	Trucks and Trailers	71
Section 5.11	Exterior Lighting	71
ARTICLE VI.	B-1 — COMMERCIAL/BUSINESS DISTRICT	75
Section 6.00	Purpose	75
Section 6.01	Permitted Principal Buildings, Structures, and Uses	75
Section 6.02	Permitted Accessory Buildings, Structures, and Uses;	77
Section 6.03	Zoning Certificate Requirements	79
Section 6.04 <del>3</del>	Conditional Buildings, Structures, and Uses	79
Section 6.05 <del>4</del>	Minimum Lot Area	84
Section 6.06 <del>5</del>	Minimum Lot Width	84
Section 6.07 <del>6</del>	Minimum Yards	84
Section 6.08 <del>7</del>	Maximum Height	84

Section 6.0 <u>98</u>	Maximum Lot Coverage	85
Section 6.10 <u>09</u>	Minimum Floor Area	85
Section 6.11 <u>10</u>	Permitted Buildings, Structures and Uses in Required Yards	85
Section 6.14 <u>2</u>	Driveways	85
Section 6.12 <u>3</u>	Screening and Landscaping	85
Section 6.13 <u>4</u>	Lighting	86
ARTICLE VII. M-1 — INDUSTRIAL DISTRICT		91
Section 7.00	Purpose	91
Section 7.01	Permitted Principal Buildings, Structures, and Uses	91
Section 7.02	Permitted Accessory Buildings, Structures, and Uses;	92
Section 7.03	Zoning Certificate Requirements	94
<hr/>		
Section 7.04 <u>3</u>	Conditional Buildings, Structures, and Uses	94
Section 7.05 <u>4</u>	Minimum Lot Area	95
Section 7.06 <u>5</u>	Minimum Lot Width	95
Section 7.07 <u>6</u>	Minimum Yards	95
Section 7.08 <u>7</u>	Maximum Height	96
Section 7.09 <u>8</u>	Maximum Lot Coverage	96
Section 7.10 <u>09</u>	Minimum Floor Area	96
Section 7.11 <u>0</u>	Permitted Buildings, Structures and Uses in Required Yards	96

Table of Contents

Section 7.12 <del>1</del>	Driveways	97
Section 7.13 <del>2</del>	Screening and Landscaping	97
Section 7.14 <del>3</del>	Lighting	97
<b>ARTICLE VIII. P-O — PROFESSIONAL OFFICE DISTRICT</b>		<b>101</b>
Section 8.00	Purpose	101
Section 8.01	Permitted Principal Buildings, Structures, and Uses	101
Section 8.02	Permitted Accessory Structures and Uses	101
Section 8.03	Zoning Certificate Requirements	104
Section 8.04	Non-permitted Uses	104
Section 8.05	Minimum Lot Area	104
Section 8.06	Minimum Lot Width	104
Section 8.07	Minimum Yards	104
Section 8.08	Maximum Height	105
Section 8.09	Maximum Lot Coverage	105
Section 8.10	Minimum Floor Area	105
Section 8.11	Permitted Buildings, Structures and Uses in Required Yards	105
Section 8.12	Driveways	105
Section 8.13	Screening and Landscaping	106
Section 8.14	Outside Sales	106



## Table of Contents

x

Section 8.15	Trucks and Trailers	106
Section 8.16	Signs	106
Section 8.17	Occupancy of Existing Buildings	106
Section 8.18	Lighting	106
Section 8.19	Conditional Buildings, Structures and Uses	107
ARTICLE IX.	AGRICULTURE	113
Section 9.00	Agriculture	113
Section 9.01	Farm Markets	113
ARTICLE X.	CONDITIONAL USES	119
Section 10.00	Conditional Zoning Certificate Required	119
Section 10.01	Contents of Application for a Conditional Zoning Certificate	119
Section 10.02	Transmittal of Application to Board of Zoning Appeals	121
Section 10.03	Meeting of Board of Zoning Appeals	121
Section 10.04	Action by Board of Zoning Appeals	122
Section 10.05	Issuance of Conditional Zoning Certificate	122
Section 10.06	General Conditions for Conditional Zoning Certificates	122
Section 10.07	Revocation of Conditional Zoning Certificate	122
Section 10.08	General Standards for Conditional Uses	123
ARTICLE XI.	DRIVEWAYS, PARKING, LOADING/UNLOADING SPACES	129

# Table of Contents

xi

Section 11.00	General Requirements for Parking and Loading/Unloading Spaces in All Zoning Districts	129
Section 11.01	Number of Parking Spaces required	130
Section 11.02	Handicapped Parking	132
Section 11.03	Size of Parking Spaces	132
Section 11.04	Number of Loading/Unloading Spaces Required	132
Section 11.05	Size of Loading/Unloading Spaces	132
Section 11.06	Determination of the Number of Parking and Loading/Unloading Spaces Required	133
Section 11.07	Driveway Regulations	133
Section 11.08	Standard Residential Drive Designs	134
Section 11.09	Standard Commercial Drive Designs	134
ARTICLE XII	SIGNS	139
Section 12.00	Sign Definitions	139
Section 12.01	General Requirements for all Signs	140
Section 12.02	Prohibited Signs in all Districts	140
Section 12.03	Governmental Signs Exempted	141
Section 12.04	Mobile Signs	141
Section 12.05	Signs Permitted in all Districts not requiring a Zoning Certificate	141
Section 12.06	Signs Permitted in the Residential Zoning Districts	142

Section 12.07	Signs Permitted in the Commercial, Industrial and Professional Office Zoning Districts 142	
Section 12.08	Measurement of Sign Area	143
Section 12.09	Measurement of Sign Height	143
Section 12.10	Maximum Height Requirements	143
Section 12.11	Minimum Yard Requirements	143
Section 12.12	Removal of Damaged Signs	144
Section 12.13	Removal of Signs	144
Section 12.14	Billboards	144
ARTICLE XIII. RESERVED FOR FUTURE USE		151
ARTICLE XIV. NONCONFORMING USES		157
Section 14.00	Nonconforming Use of Buildings and Land Not Affected by Zoning	157
Section 14.01	Completion of Nonconforming Building or Structure	157
Section 14.02	Restoration of Nonconforming Uses	157
Section 14.03	Reconstruction of Nonconforming Uses	157
Section 14.04	Extension of Nonconforming Uses	158
Section 14.05	Extensions of Nonconforming Buildings and Structures	158
Section 14.06	Substitution of Nonconforming Uses	159
Section 14.07	Nonconforming Lot of Record	159

<b>ARTICLE XV. TOWNSHIP ZONING INSPECTOR</b>	<b>163</b>
Section 15.00 Position of Township Zoning Inspector Established	163
Section 15.01 Zoning Inspector's Bond	163
Section 15.02 Duties of Township Zoning Inspector	163
<b>ARTICLE XVI. TOWNSHIP ZONING COMMISSION</b>	<b>169</b>
Section 16.00 Township Zoning Commission Created	169
Section 16.01 Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission.	169
<b>ARTICLE XVII. TOWNSHIP BOARD OF ZONING APPEALS</b>	<b>175</b>
Section 17.00 Township Board of Zoning Appeals Created	175
Section 17.01 Powers of Township Board of Zoning Appeals	175
Section 17.02 Rules, Organization, and Meetings of Board of Zoning Appeals	176
Section 17.03 Procedures of Board of Zoning Appeals	177
Section 17.04 Supplementary Conditions on Variances	182
<b>ARTICLE XVIII. ENFORCEMENT</b>	<b>187</b>
Section 18.00 Zoning Certificate Required	187
Section 18.01 Contents of Application for a Zoning Certificate	187
Section 18.02 Action by Township Zoning Inspector on Application for Zoning Certificate	190
Section 18.03 Submission to Director of Ohio Department of Transportation	190

# Table of Contents

xiv

Section 18.04	Revocation of Zoning Certificate	191
Section 18.05	Complaints Regarding Violations	191
Section 18.06	Prohibition Against Violating Zoning Resolution	191
Section 18.07	Action to Prevent Violations of Zoning Regulations	191
ARTICLE XIX. AMENDMENTS		195
Section 19.00	A Procedure for Amendments to Zoning Resolution	195
Section 19.01	Contents of Application for a Zoning Amendment	195
Section 19.02	Submission to Director of Ohio Department of Transportation	196
ARTICLE XX. WIRELESS TELECOMMUNICATIONS TOWERS/FACILITIES		197
Section 20.00	Purpose	197
Section 20.01	Permitted Uses	197
Section 20.02	Conditional Uses	198
Section 20.03	Prohibited Areas	202
Section 20.04	Fees	203
Section 20.05	Public Utility Exemption	203
Section 20.06	Site Plan	205
ARTICLE XXI. PASSIVE PARK DISTRICT		207
Section 21.00	Purpose	207
Section 21.01	Principal Permitted Buildings, Structures, and Uses	207

# Table of Contents

xv

Section 21.02	Permitted Accessory Buildings, Structures, and Uses	207
Section 21.03	Conditional Buildings, Structures, and Uses	208
Section 21.04	Prohibited Uses	208
Section 21.05	Minimum Yards and Lot Area for Permitted and Accessory Buildings, Structures and Uses	209
Section 21.06	Minimum Yard Dimensions for Conditional Uses	209
Section 21.07	Maximum Height of Buildings	209
Section 21.08	Site plan approval for Conditional Uses	209
Section 21.09	Parking	210
Section 21.10	Signs	210
<b>ARTICLE XXII. ACTIVE PARK DISTRICT</b>		<b>211</b>
Section 22.00	Purpose	211
Section 22.01	Permitted Principal Structures and Uses	211
Section 22.02	Prohibited Uses	211
Section 22.03	All uses listed in Section 4.01. Minimum Yards and Lot Area for Permitted and Accessory Buildings, Structures and Uses	212
Section 22.04	Maximum Height of Buildings	212
Section 22.05	Parking and Signs in Active Park District	212
<b>ARTICLE XXIII. ADULT ORIENTED BUSINESSES</b>		<b>215</b>
Section 23.00	Purpose	215

Table of Contents

xvi

Section 23.01	Conditions for Adult Oriented Businesses	215
Section 23.02	Nonconforming Buildings, Structures, and Uses	216
ARTICLE XXIV ALTERNATIVE ENERGY		217
Section 24.01	Definitions	217
SECTION 24.02 PERMITTED ACCESORY USES		217

**(This page intentional left blank)**



**(This page intentional left blank)**

**(This page intentional left blank)**

## General Provisions

**Article I. General Provisions****Section 1.00 Title**

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

**Section 1.01 Jurisdiction**

This resolution shall apply to all of the unincorporated territory of Newbury Township, Geauga County, Ohio.

**Section 1.02 Declaration of Purpose**

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

It has been further determined that a major asset to the community is the natural rural quality of the landscape, and that this quality, insofar as possible, should be preserved.

To achieve these basic objectives, in the interest of the public health, safety, convenience, comfort, prosperity or general welfare, to insure the preservation of open space, adequate water, light and air, freedom from congestion and objectionable or noxious uses, and to provide for the orderly and efficient growth of the community, the Board of Trustees of Newbury Township deems it necessary, in accordance with the provisions of Ohio R. C. Chapter 519, and a comprehensive plan, to regulate the use of land, the size and location of buildings, yards and open space and other characteristics of future development within the Township, and hereby adopts and enacts this Zoning Resolution which shall be in force and effect within the unincorporated territory of Newbury Township.

**Section 1.03 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.

Section 1.04      ***Powers Not Conferred by Chapter 519 of the Ohio Revised Code or this Resolution***

- A. Except as provided in Section 9.0 , this resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no Zoning Certificate shall be required for any such building or structure.
- B. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any railroad or public utility furnishing fuel, power, or communication, whether publicly or privately owned, or the use of land by any such railroad or public utility, for the operation of its business. However, subject to R.C. 519.21(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- C. Except as provided in Section 9.01, this resolution does not prohibit, in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market 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.

Section 1.05      ***Schedule of Fees, Charges, and Expenses; and Collection Procedure***

The board of township trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Certificates, amendments, appeals, conditional Zoning Certificates, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the zoning inspector and township fiscal officer, and may be altered or amended only by resolution of the board of township trustees.

Each application for a Zoning Certificate, amendment, or conditional Zoning Certificate and notice of appeal shall be accompanied by the fee so established.

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

Section 1.06      ***First Day Excluded and Last Day Included in Computing Time Exceptions; Legal Holiday Defined***

The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal

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

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

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

If any day designated in R.C. 1.14 as a legal holiday falls on Sunday, the next succeeding day is a legal holiday.

Section 1.07        *Computation of Time*

If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

Section 1.08        *Specific Provision Prevails Over General Exception*

If a general provision conflicts with a specific provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the specific provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevails.

Section 1.09        *Irreconcilable Amendments*

If amendments are enacted at the same or different times, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

Section 1.10        *Continuation of Prior Amendment*

A provision or regulation which is reenacted or amended is intended to be a continuation of the prior provision or regulation and not a new enactment, so far as it is the same as the prior provision or regulation.

Section 1.11        *Effect of Amendment*

The amendment of this resolution does not:

1. Affect the prior operation of this resolution or any prior action taken there under;
2. Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred there under;
3. Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal;
4. Affect any investigation, proceeding, or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the resolution had not been amended.

Section 1.12      *Annexed Territory*

Upon annexation of township territory to an existing municipal corporation the zoning regulations then in effect shall remain in full force and shall be enforced by the township officials until the legislative authority of said municipal corporation shall officially adopt either the existing zoning regulations or new regulations for such territory.

Section 1.13      *Severability*

If any provisions or regulations of this resolution or an amendment thereof or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions, regulations, applications, or amendments of this resolution which can be given effect without the invalid provision, regulation, application or amendment; and to this end the provisions, regulations, and amendments are severable.

**(This page intentional left blank)**

**(This page intentional left blank)**



**(This page intentional left blank)**

**(This page intentional left blank)**

## Definitions

Article II. **Definitions**Section 2.00 *Interpretation of Terms or Words*

For the purposes of this resolution, the following rules of interpretation for terms and words shall apply:

- A. The word "person" includes an individual, association, organization, partnership, trust, company, corporation, or any other legal entity.
- B. 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.
- C. The word "shall" is a mandatory requirement.
- D. The word "may" is a permissive requirement.
- E. The word "should" is a preferred requirement.
- F. 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.

Section 2.01 *Words and Terms Defined*

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

"Accessory *building, structure, or use* " is either a subordinate use of a building, or other structure, or lot, or a subordinate building or other structure:

1. Which use is clearly incidental to the use of the principal building, other structure, or use of land,
2. Which is customary in connection with the principal building, other structure, or use of land, and
3. Which is located on the same lot with the principal building, structure, or use.

"*Adult arcade*" means an establishment where coin operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing or image-transmitting devices are maintained to show images to no more than one (1) person per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified

sexual activities” or “specified anatomical areas.” See also video viewing booth or arcade booth.

**“Adult bathhouse or sauna”** means a steam bath or heated bathing room used for the purpose of bathing, relaxation, or using steam or hot air as a cleaning, relaxing or reducing agent and the service provided is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

**“Adult cabaret”** means a building or portion thereof including a nightclub, bar, restaurant or similar establishment which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on:

- A. Persons who appear in a state of nudity, or
- B. The exhibition of “specified anatomical areas” or “specified sexual activities” for observation by patrons

**“Adult family home”** means a residence or facility that provides accommodations to 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 provides supervision and personal care services to at least three (3) of the unrelated adults.

**“Adult massage business”** means an establishment where, for any form of consideration, manipulation of human muscles or tissue by rubbing, stroking, kneading or other treatment of the body is practiced which is characterized by emphasis on matters related to “specified sexual activities” or “specified anatomical areas,” unless such massage treatment is practiced by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional practitioner licensed by the state.

**“Adult media”** means magazines, books, videotapes movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

**“Adult media store”** means an establishment that rents and / or sells media and that meets any of the following:

- A. 10 percent or more of the gross public floor area is devoted to adult media.
- B. 10 percent or more of the stock in trade consists of adult media.
- C. It advertises or markets itself in any forum as “X rated,” “adult,” “sex,” or otherwise as a sexually or adult oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.

**“Adult motel or hotel”** means an establishment which:

- A. Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
- B. Rents, leases, or offers sleeping rooms or suites for a period of time that is less than ten (10) hours; or
- C. Allows an occupant or tenant to sublet a room or suite for less than ten (10) hours; or
- D. Rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.

**"Adult motion picture theater"** means an establishment where, for any form of consideration, films, motion pictures, video cassettes, compact or digital discs, slides, similar photographic reproductions or previously recorded visual presentations are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**"Adult oriented business"** means an establishment which is designed and used to sell, rent, or show sexually explicit or hard-core materials, paraphernalia, machines, equipment, services, performances, and such other uses distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult media store, adult motion picture theater, adult theater, adult sexual paraphernalia business, and an adult sexual encounter business

**"Adult sexual encounter business"** means an establishment that offers, for any form of consideration, a place where persons or patrons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult sexual encounter business shall include an adult cabaret, a lingerie or adult modeling studio, a nude photography studio, an adult bathhouse or sauna, a body-painting studio, an adult massage business, and an adult hotel or motel. It shall not include an establishment operated by a licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.

**"Adult sexual paraphernalia business"** means an establishment which devotes five (5) percent or more of its gross public floor area to the sale or rental of adult media or sexually oriented devices, toys or novelties.

**"Adult theater"** means an establishment such as a playhouse, arena, amphitheater, auditorium or concert hall which features persons who appear in a state of nudity or live performance characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**"Agriculture"** includes farming; ranching; aquaculture; apiculture, horticulture, viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and

fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

"*Antenna*" means any system of wires, poles, rods, discs, dishes, or similar devices used for the transmission or reception of electromagnetic waves attached to the exterior of a building or mounted in the ground independent (freestanding) of a building on a tower.

"*Automobile*" Means a four-wheeled automotive mode of transportation, designed for passenger transportation, which may seat from two to eight people, driven by an engine, and limited to cars, light trucks, sport utility vehicles, minivans and full size vans.

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

"*Automotive Sales*" Means the sale, lease, or rental of new or used automobiles.

"*Automotive wrecking*" means 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*" 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 serve only as a substructure or foundation for a building or structure.

"*Body-painting studio*" means an establishment wherein paint or similar materials or substances are applied to specified anatomical areas of patrons who are in a state of nudity.

"*Building*" means a permanent structure, other than a mobile home, affixed to the ground on a lot and designed or intended for the 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 finished grade level to the highest point of the building.

"*Building line*" - see setback line.

"*Cemetery*" means land used or intended 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.

**"Child day-care center"** means any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator or employee and who are on the premises of the center shall be counted.

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

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

**"Commercial Motor Vehicle"** means any motor vehicle designed and used for carrying merchandise or freight, or used as a combination tractor-trailer or commercial tractor by drawing other vehicles whether independently or by carrying a portion of such other vehicle or its load, or both. Commercial Motor Vehicles include but are not limited to bulldozers, cranes, backhoes, other than those used solely on the property, Commercial motor vehicle does not include any truck designed to carry a load one (1) ton or under, and which is used for transportation or purposes other than engaging in a business for profit.

**"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 by the township board of zoning appeals for a conditional use.

**"Conservation Easement"** means an incorporeal right or interest in land that is held for the public purpose of retaining land, water, or wetland areas predominately in their natural, scenic, open, or wooded condition, retaining their use predominately in agriculture or retaining their use predominately as suitable habitat for fish, plants, or wildlife; that imposes any limitations on the use or development of the areas that are appropriate at the time of creation of the conservation easement to achieve one or more of such those purposes; and that includes appropriate provisions for the holder to enter the property subject to the easement at reasonable times to ensure compliance with its provisions.

**"County"** means Geauga County, Ohio

**"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 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.

**"Developer or Subdivider"** means any person, partnership, firm, syndicate, trust, corporation, or other legal entity commencing proceedings under these regulations to effect the subdivision and improvement of land.

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

**"Display publicly"** means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a road, a public sidewalk, from an adjoining lot line, or from any portion of the premises where items and material other than adult media are on display to the public.

**"Driveway"** means a private way, paved or unpaved, 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 a building containing only a dwelling unit or units.

**"Dwelling, single family"** means a dwelling consisting of one (1) detached dwelling unit to be occupied by one (1) family only.

**"Dwelling, two family"** means a dwelling consisting of two (2) dwelling units to be occupied by two (2) families only.

**"Dwelling, multiple family"** means a dwelling consisting of three (3) or more dwelling units to be occupied by three (3) or more families.

**"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 (1) family for residential occupancy.

**"Earth disturbing activity"** means any grading, excavating, filling, or other alteration of the earth's surface where natural or manmade ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

**"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.

**"Enclosure"** Means a designated area on a lot for outdoor storage which is shut in, fenced in and fully confined and secured.

**"Erosion"** means the process by which the land surface is worn away by the action of water, wind, ice or gravity

**"Establishment"** means any business regulated by this resolution.

**"Explicit sexual material"** means any hard-core material.

**"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 a building from which only produce raised on farms is sold.

**"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.

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

**"Floor area"** means the sum of the horizontal areas of the several floors of a building, measured from the interior faces of the exterior walls. In calculating floor area, the following areas shall not be included: basements; attics; garages; enclosed or unenclosed porches, patios, and breezeways.

**"Frontage"** see lot line, front.

**"Garage"** means a building designed and 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.

**"Gross public floor area"** means the total area of a building accessible or visible to the public including showrooms, merchandise display areas, service areas, behind-counter areas, storage areas, stage areas, screen areas, and arcades; including the aisles, hallways, and entryways serving such areas.

**"Hard-core material"** means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

**"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 cannot be handled by routine waste management techniques

**"Home occupation"** means an occupation for remuneration conducted within a dwelling or an existing accessory structure on a lot within a residential zoning district.

**"Hospital"** means a building containing beds for patients and devoted to the medical diagnosis, treatment, and care of human ailments by licensed physicians and other medical staff.

**"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 and lodging, are provided and offered to the public for compensation.

**"Industrialized unit"** means a structure as defined in Ohio Revised Code 3781.10 for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62(A). "Industrialized unit" does not include a "manufactured home" or a "mobile home" as defined in this resolution.

**"Junk"** means old or scrap copper, brass, rope, rags, trash, wastes, batteries, paper, rubber, dismantled or wrecked vehicles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.

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

**"Junk yard"** means any land, property, structure, building, or combination of the same, on which junk or junk motor 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.

**"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.

**"Light trespass"** means the light emitted by a lighting installation which falls outside the boundaries of the property on which the installation is sited.

**"Lingerie or adult modeling studio"** means an establishment that provides the services of live models to model lingerie to patrons and who engage in specified sexual activities or expose specified anatomical areas while being observed, painted, painted upon, sketched, drawn, photographed, or otherwise depicted by patrons.

**"Loading/unloading space"** means space provided for pick-ups and deliveries for commercial and 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, parking areas, hard surfaced, paved, or graveled areas, trash containment areas, and other covered areas on a lot.

**"Lot measurements"** A lot shall be measured as follows:

**"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.

**"Width"** means the shortest distance that occurs between the side lot lines measured anywhere between the front lot line and the setback line.

**"Lot, minimum area"** means the total area, expressed in acres, included within boundary lines of a lot computed exclusive of any portion 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"** (frontage) means the boundary of a lot which abuts a public or private road. In the case of a corner lot or a multiple frontage lot, all lot boundaries abutting a road are considered front lot lines.

**"Lot line, rear"** means the boundary 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 of a lot that is neither a front lot line nor 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.

**"Major Thoroughfare"** shall be defined as S.R. 87 (Kinsman Road) and S.R.44 (Ravenna Road).

**"Manufactured building"** means a building that is designed and constructed for transportation to a site for installation and use when connected to required utilities; and is either an independent, individual building or a module for combination with other elements to form a building on the site.

**"Manufactured home"** means a building unit or assembly of closed construction as defined in Ohio Revised Code Section 3781.06 (C) (4).

**"Minerals"** means substances or materials excavated from natural deposits on or in the earth.

**"Mobile home"** means a building unit or assembly of closed construction as defined in Ohio Revised Code Section 4501.0 (O), 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 of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined in this resolution. A building or non-self propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

**"Mobile home park"** means a lot where two (2) or more mobile homes are parked, or which is used or held out for the purpose of supplying to the public a parking space for two (2) or more mobile homes.

**"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.

**"Nude photography studio"** means an establishment that takes still or motion pictures for any form of consideration of models or patrons who engage in specified sexual activities or expose specified anatomical areas while being photographed.

**"Nudity"** means the showing of either of the following:

- A. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
- B. The female breast with less than a fully opaque covering on any part of the areola.

**"Nursing home"** means a home 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.

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

**"Outdoor display"** means open areas used to exhibit or represent a fair sample of goods or services primarily purveyed within the main building on the same lot. The merchandise on display shall be removed from its shipping packaging and be representative of merchandise that is available for purchase inside the building.

**"Outdoor Storage"** means limited storage of equipment, material, machinery or vehicles outside enclosed buildings for more than twenty-four (24) hours, except for merchandise placed in an area for outdoor display. Outdoor storage includes waste material in containers except for incidental accessory trash receptacles, which are excluded from this definition.

**"Parking lot"** means an off-street area 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 47 U.S.C. 332(c)(7).

**"Pond"** means a water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout, and having an area of less than five (5) acres.

**"Private road or street"** means a recorded easement as defined in the Geauga County Subdivision Regulations held by a private owner or established legal entity for private use as a road right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

**"Produce"** means fresh fruit and vegetables, eggs, grains, herbs, honey, maple syrup and milk.

**"Public road or street"** means a road right-of-way for public use as defined in R.C. section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

**"Public utility"** means any company or other legally existing entity which hold a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which delivers a good or service to the public and which has been determined to be a public utility by the zoning inspector or the board of zoning appeals based upon the following factors relative to (A) public service and (B) public concern.

A. Public Service

- 1) Is there the devotion of an essential good or service to the general public, which has a right to demand or receive the good or service?
- 2) Must the company provide its good or service to the public indiscriminately and reasonably?
- 3) Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?

B. Public Concern

- 1) Is there concern for the indiscriminate treatment of those people who need and pay for the good or service? (For example, are prices fairly set?)

- 2) Is there a mechanism for controlling price? (For example, does marketplace competition force providers to stay fairly priced?)

**"Radio"** means the communication of impulses, sounds, and pictures through space by electromagnetic waves.

**"Recreational vehicle"** means a portable vehicular structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in Ohio Revised Code 4501.01.

**"Right-of-way"** means all land included within an area dedicated to public use as a road or street, or land recorded as an easement for private use as a road or street, for ingress and egress.

**"Satellite dish antenna"** means an accessory structure capable of receiving, for the sole benefit of the principal use it serves, radio or television signals from a transmitter or a transmitter relay located orbitally. This definition may include direct broadcast systems and television reception only systems.

**"School"** means an institution, public or private, where general education, learning, or training is conducted.

**"Seat"** means the actual seating capacity of an area based upon the number of seating units provided or one (1) seat per eighteen (18) lineal inches of bench length or space for loose chairs.

**"Scrap metal processing"** means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes.

**"Sediment"** means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface.

**"Sediment Control"** means the limiting of sediment transport by controlling erosion, filtering sediment from water, or detaining sediment-laden water allowing sediment to settle.

**"Sediment pollution"** means failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling or other soil disturbing activities on land used or being developed or built upon for commercial, industrial, residential, or other non-agricultural purposes.

**"Self service storage facility"** means a building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-service storage of personal property.

**"Service station"** means buildings and premises where fuel, oil, grease, batteries, tires, and motor vehicles 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 re-grooving.
3. Replacement of mufflers and tail pipes, water hoses, 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, oil 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.
11. Sales of cold drinks, packaged food, 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; and the provision of rest room facilities.
13. Warranty maintenance and safety inspections.
14. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, and storage of automobiles not in operable condition except as provided in Section 6.03.

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

**"Sewage system, on-site"** means a septic tank or similar installation on an individual lot which provides for the treatment of sewage and disposal of the effluent.

**"Sewers, central"** means a sewage disposal system which provides a collection network and central treatment facility for more than one dwelling or building, community, or region subject to the approval of health and sanitation officials having jurisdiction.



**"Sewers, on-site"** means a septic tank or similar installation on an individual lot which provides for the elimination of sewage and disposal of the effluent.

**"Sexually oriented devices, toys or novelties"** means, without limitation, any artificial or simulated specified anatomical area or other device, novelty, toy or paraphernalia that is designed principally for specified sexual activities or to stimulate human genital organs, but shall not mean any contraceptive device.

**"Shed"** means a permanent or temporary accessory building not exceeding one hundred twenty (120) square feet.

**"Sign"** means a structure or part of a building or surface or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction or advertisement.

**"Site"** means, for the purpose of telecommunications towers, antennas, and facilities only; how or in what manner such towers, antennas, and facilities may be situated on a lot, building, or structure.

**"Specified anatomical areas"** means less than completely and opaquely covered human genitals, pubic region, buttocks, and the female breast at a point immediately above or below the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**"Specified sexual activities"** means any of the following:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast;
- C. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- D. Masturbation, actual or simulated; or
- E. Excretory functions as part of, or in connection with, any of the activities set forth hereinabove.

**"Stealth facility"** means any communications facility which is designed to blend in with the surrounding environment. Such facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

**"Story"** means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the surface of any floor and the ceiling next above it. A basement shall be deemed to be a story only when more than one-half of its height is located above the finished grade level of the adjacent ground.

**"Street"** means a right-of-way dedicated to public use or a private right-of-way in private ownership which provides the principal means of ingress and egress to abutting property.

**"Structure"** means anything constructed, the use of which requires location on the ground or is attached to something having location on the ground.

**"Structural alteration"** means any change in the supporting members of a structure such as bearing walls, columns, beams, or girders.

**"Subdivision, Major"** means any division of real property other than a minor subdivision, unless such division is specifically exempted from its regulations, which requires the submission of a plat to the planning commission in accordance with these regulations.

**"Subdivision, Minor"** notwithstanding the provisions of sections 711.001 to 711.13, inclusive, of the Ohio Revised Code, a proposed division of a parcel of land along an existing public street or road, not involving the opening, widening, or extension of any street or road, and involving no more than five (5) lots after the original tract has been completely subdivided, and submitted to the planning commission for the approval without plat in accordance with these regulations.

**"Surface mining"** means all or any part of the process followed in the production of minerals from the earth or from the surface of the land by surface excavation methods such as open pit mining, dredging, placering, or quarrying and includes the removal of overburden for the purpose of determining the location, quantity or quality of mineral deposits. Surface mining does not include test or exploration boring nor mining operations carried out beneath the surface of the earth by means of shafts, tunnels, or similar mine openings.

**"Swimming pool"** means a permanent open tank or other structure designed to contain a depth of at least three (3) feet of water at any point.

**"Technically suitable"** means the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the bandwidth of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the township.

**"Telecommunications"** means technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term personal wireless services.

**"Telecommunications tower"** means any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth on R.C. 519.211(B) (a-e) and this resolution.

**"Tower"** means a structure that is mounted in the ground or affixed to a building or other structure that is used for transmitting or receiving television, radio, telephone or other communications.

**"Township"** means Newbury Township, Geauga County, Ohio.

**"Trustees"** means the board of trustees of the township.

**"Vehicle"** means everything which is or has been on wheels, runners or tracks.

**"Vehicle repair"** means the repair, rebuilding, and reconditioning of vehicles, mobile homes or farm implements including collision service, painting, and steam cleaning of vehicles.

**"Vehicle sales"** means the sale, lease or rental of new or used motor vehicles, mobile homes or farm implements.

**"Video viewing booth or arcade booth"** means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video tape, laser disc, cd-rom, books, magazines or periodicals) for observation by patrons therein. A video-viewing booth or arcade booth shall not mean a theater, motion picture theater, playhouse, or a room or enclosure within a building or portion thereof that contains more than nine (9) square feet of floor area.

**"Water, central"** means a system having one (1) or more wells or other sources of water supply joined together by pipelines so as to form a water distribution system for a single development, community, or region subject to the approval of health and sanitation officials having jurisdiction.

**"Wetland"** means an area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, fens, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

**"Wind system device"** means a device that converts wind energy into a usable form and includes a rotor and drive train, and all equipment necessary for machine operation.

**"Wireless telecommunications antenna"** means an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding an antenna for an amateur radio operator.

**"Wireless telecommunications equipment shelter"** means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**"Wireless telecommunications facility"** means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

**"Unlicensed wireless service"** means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct to home satellite services.

**"Yard"** means an open space on a lot unoccupied and unobstructed by any structure or part thereof, except as otherwise provided by this resolution.

**"Yard, front"** means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of a building or structure.

**"Yard, rear"** means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of a building or structure.

**"Yard, side"** means a yard extending from the principal building to the side lot line on both sides of a building or structure between the lines establishing the front and rear yards.

**"Yard sale"** means a yard, garage, or barn sale. However designated, it is an occasional sale of a variety of used or new items.

**"Zoning Certificate"** means a permit issued by the township zoning inspector in accordance with the regulations specified in this resolution.

**"Zoning commission"** means the zoning commission of the township.

**"Zoning map"** means the official zoning map of the township which shows the boundaries of the zoning districts established in this resolution.

**(This page intentional left blank)**

**(This page intentional left blank)**

**(This page intentional left blank)**