

Article X. Conditional Uses**Section 10.00 Conditional Zoning Certificate Required**

No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure nor shall any building, structure or real property be changed in use that is classified as a conditional use within the territory included in this zoning resolution without obtaining a conditional Zoning Certificate and no such Zoning Certificate shall be issued unless the plans for the proposed building, structure, or use fully comply with this zoning resolution.

Section 10.01 Contents of Application for a Conditional Zoning Certificate

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

All applications for conditional Zoning Certificates shall contain the following language:

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

All completed applications for a conditional Zoning Certificate shall be submitted to the township zoning inspector and shall include, at a minimum, the following information:

- A. The name, address, and telephone number of the applicant.
- B. The name, address and telephone number of the owner of record.
- C. The address of the lot, if different from the applicant's current address.
- D. The names and addresses of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the road from the subject lot).
- E. Documentation as to authority to make application (e.g., deed, power of attorney, lease or purchase agreement).
- F. A legal description of the lot, as recorded with the Geauga County Recorder.
- G. The current zoning district in which the lot is located.
- H. A description of the existing use of the lot.
- I. A description of the proposed use of the lot.
- J. Two (2) copies of a plan or map drawn to scale, with a north arrow and date showing the following information:

1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
2. The dimensions (in feet) of existing buildings or structures on the lot, if any.
3. The setback (in feet) from all lot lines of existing buildings or structures and uses on the lot, if any.
4. The dimensions (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
6. The setback (in feet) from all property lines of proposed buildings or structures and uses on the lot or of any addition or structural alteration to existing buildings or structures.
7. The height (in feet) of existing buildings or structures on the lot.
8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
9. The name and location of the existing road(s), public and private, adjacent to the lot.
10. The number of dwelling units existing (if any) and proposed for the lot.
11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces.
13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
14. The location and description of existing and proposed landscaping and buffer areas on the lot.
15. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
16. The location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
17. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
18. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

- K. Two (2) copies of an erosion control plan as required by Section 4.03 of this resolution or written documentation of plan approval from the Geauga Soil and Water Conservation District.
- L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
- M. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
- N. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the storm water management and erosion control plan.
- O. The "General Standards for Conditional Uses" listed under Section 10.08 may apply and may be required as a part of the application.
- P. The application fee.
- Q. The township zoning inspector or the board of zoning appeals may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in the Resolution.

Section 10.02 ***Transmittal of Application to Board of Zoning Appeals***

Within seven (7) days after the receipt of a completed application for a conditional Zoning Certificate, the township zoning inspector shall transmit said application to the secretary of the board of zoning appeals or to the chairperson of the Board of Zoning Appeals, if the secretary is unavailable.

Section 10.03 ***Meeting of Board of Zoning Appeals***

The chairperson of the board of zoning appeals shall fix a reasonable time for a public hearing to consider the application for a conditional Zoning Certificate which shall commence not later than sixty (60) days from the date that said application was received by the chairperson or secretary. The hearing on the application may be continued from day to day for good cause shown.

The board of zoning appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted; notice of any continued public hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.

Section 10.04 *Action by Board of Zoning Appeals*

- A. Hearings and decisions before the board of zoning appeals shall be conducted in accordance with Section 17.03 of this resolution.
- B. One (1) copy of the plans submitted with the application shall be returned to the applicant by the board of zoning appeals after said copy has been marked either approved or disapproved, dated, and attested to by the signature of the chairperson or the secretary of the Board of Zoning Appeals. One (1) copy of the plans so marked shall be retained by the Board of Zoning Appeals for its permanent records.
- C. The date of the signing of the written decision by the Board of Zoning Appeals shall be the date of entry as provided in R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R.C. Chapter 2506.

Section 10.05 *Issuance of Conditional Zoning Certificate*

Upon receiving written notice of the approval of an application for a conditional Zoning Certificate as provided by Section 10.04, the Zoning Inspector shall issue a conditional Zoning Certificate to the applicant.

Section 10.06 *General Conditions for Conditional Zoning Certificates*

All conditional Zoning Certificates shall contain the following conditions, in addition to those specifically required by other sections of this zoning resolution and those required by the Board of Zoning Appeals.

- A. A conditional Zoning Certificate shall not be transferred or assigned.
- B. A conditional Zoning Certificate for any of the buildings, structures, and uses provided herein shall be valid for a period of five (5) years from the date of issuance.

Section 10.07 *Revocation of Conditional Zoning Certificate*

A conditional Zoning Certificate shall be revoked by the Board of Zoning Appeals if:

- A. The conditional Zoning Certificate has been issued in error.
- B. The conditional Zoning Certificate was issued based upon a false statement by the applicant.
- C. The construction or use described in the conditional Zoning Certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and in said construction has not been completed within two (2) years from the date of issuance.

- D. The conditional use described therein is voluntarily discontinued for a period of two (2) years.
- E. Any of the conditions set forth in the conditional Zoning Certificate are violated.

Section 10.07.1 Procedure for Revocation of Conditional Zoning Certificate

The Board of Zoning Appeals shall notify the holder of the conditional Zoning Certificate by certified mail of its intent to revoke said certificate and his right to a hearing before the board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the board may revoke the certificate without a hearing. The authority to revoke a certificate is in addition to any other means of zoning enforcement provided by law.

When a conditional Zoning Certificate has been declared revoked by the board of zoning appeals, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the conditional Zoning Certificate. Such notice shall set forth the reason(s) for the revocation of the conditional Zoning Certificate. Such notice shall also include a statement that all construction upon or use of the building, structure or land described in the conditional Zoning Certificate shall cease unless and until a new conditional Zoning Certificate has been issued.

Section 10.08 *General Standards for Conditional Uses*

In addition to the specific requirements for conditional uses specified in Section 5.03, Section 6.03, Section 7.03, and Section 8.19 of this resolution, the board of zoning appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards:

- A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site.
- B. The proposed roads and other means of ingress and egress are of adequate width and condition to accommodate expected vehicular traffic to be generated by the proposed use and are reasonably constructed to permit access by fire fighting, police, ambulance and other safety vehicles and will not interfere with traffic on adjacent thoroughfares. A traffic impact study by a qualified traffic engineer may be required.
- C. The size and number of proposed off-street parking spaces and loading/unloading spaces (if applicable) are adequate and are in accordance with the provisions of Article XI of this resolution.

- D. The type, size, location and number of proposed signs are in accordance with the provisions of Article XII of this resolution.
- E. The proposed use will be compatible with the township land use plan.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- G. The proposed use will be served adequately by essential public facilities including roads, police and fire protection, drainage structures, refuse disposal, water and sewage disposal facilities, and schools, or that the applicant shall be able to adequately provide such services.
- H. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- I. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare.
- J. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

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