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RADIO: The communication of impulses, sounds, and pictures through space by electromagnetic waves.

RECESSED CEILING FIXTURE: An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling. 6/6/07

RECREATION FACILITIES: Public or privately owned facilities designed and equipped for the conduct of indoor/outdoor sports and leisure-time activities, which are open to the public for a fee or at no cost. (2/25/09) **However, such facilities shall not include an outdoor shooting range for the purpose of shooting with firearms, unless it is owned or operated by a public law enforcement agency or department.**

RECREATIONAL VEHICLE: 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. 3/11/08

This language will not prohibit indoor shooting ranges and does not prevent individual property owners from shooting on their private property.

RESIDENTIAL CARE FACILITY: A home, also known as an assisted living facility, as defined in the Ohio Revised Code Section 3721.01(A)(7) that provides either of the following: (a) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; or (b) Accommodations for three (3) or more unrelated individuals, supervision and personal care services for at least (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one (1) of those individuals, any of the skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code.

RIGHT OF WAY: All land included within an area dedicated to public use as a road, or land recorded as an easement for private use as a road, for ingress and egress. A right-of-way may also include public improvements within its boundaries. 6/6/07

RIPARIAN AREA: Naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants or performs other functions consistent with the purposes of these regulations. 1/5/05

RIPARIAN SETBACK: The real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations. 1/5/05

ROAD, PRIVATE: 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. 11/19/13

ROAD, PUBLIC: A road right-of-way dedicated for public use as defined in R.C. section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by

SOIL AND WATER CONSERVATION DISTRICT (SWCD): The Geauga County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees. 11/17/04

SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution. 11/17/04

SOLAR PANEL: A photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating.

SOLAR PANEL, ARRAY: An integrated assembly of solar panels with a support structure or foundation and other accessory components.

SOLAR PANEL, FREESTANDING: A solar panel or an array of solar panels that is not attached to a building and is mounted on a structure attached to the ground.

SOLAR PANEL, ROOF MOUNTED: A solar panel or an array of solar panels attached to the roof of a principal or accessory building.

SOUND: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal or interval forces that cause compression and rarefaction on that medium, and which propagates at finite speed to distant points. The description of sound may include any characteristic of such sound, including duration, intensity and frequency. 11/19/13

SOUND LEVEL: The weight sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B or C as specified in American National Standards Institute specifications for sound level meter Publication 51.4-1971, or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-weighting shall apply. 11/19/13

SOUND-LEVEL METER: An instrument, including a microphone, amplifier, RMS detector and integrator, time average, output meter and/or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type two or better as specified in American National Standards Institute Publication 51.4-1971 or the latest approved revision thereof. 11/19/13

SOUND PRESSURE LEVEL: Twenty times the logarithm of twenty micropascals ($20 \times 10^6 \text{ N/m}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels. 11/19/13

STACKING LANE: a continuous queuing lane on the same lot as a drive-through, used by drive-through customers that consists of a designated set of tandem parking spaces which are separated from other vehicular traffic, pedestrian traffic and the parking area by the use of barriers, markings or signs.

A sanitary isolation radius is 50 feet, as required by the Ohio Dept. of Health

- (e) **Lakes and Ponds:** ~~All lakes and ponds shall be designed and built per the most current dated United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) standards, and the Ohio Revised Code Section 1521, Ohio Dam Safety Laws.~~ Any pond or lake shall be a **setback** a minimum of ~~one hundred (100)~~ **fifty feet (50')** feet from **its embankment to** septic system lines, leach beds and duplication fields. Any pond or lake shall be ~~located at least setback a minimum of fifty (50) feet from its embankment to~~ any lot line **and the road right-of-way, except in the B-2 and I-1 Zoning Districts. In the B-2 and I-1 Zoning Districts, any pond or lake shall be setback a minimum of fifteen feet (15') from its embankment to any lot line and the road right-of-way. However, if adjoining any residential zoning district, then such minimum setback shall be fifty feet (50') from any lot line and the road right-of-way. These regulations shall not apply to retention and detention stormwater management facilities.**
- (f) **Paving:** All paved areas shall be graded and drained to allow for proper settling of base materials and surfaces, and to prevent standing water, erosion and excessive run-off.
- (g) **Fences and Landscaping:** All fences and landscaping including earthen mounds or berms shall be in no way hazardous to any traffic movement. Unless otherwise provided for in this Resolution, fences, walls, and earthen mounds or berms shall not exceed four (4) feet in height in any front yard or exceed six (6) feet in height in any side or rear yard. All areas between fences, walls, and earthen mounds or berms and their adjoining lot lines shall be landscaped with grass or shrubs and maintained by the owner of the lot. When required by this Resolution, the screening and landscaping of an area, lot or use shall be made apart of its approved Development Plan. See 6.01 (b). (5/19/04)
- (h) Deleted April 14, 2005. **Reserved**
- (i) **Public Improvements:** All existing and planned public improvements related to the development of any area, lot or use shall be made a part of its approved Development Plan. See 6.01 (b).
- (j) **Sewer and Water Facilities:** No development requiring sewer and water facilities shall be approved by the Zoning Inspector prior to their approval by the County Health Department.

3.02 MAINTENANCE STANDARDS: No land or structure shall be used in any way which is unhealthy, hazardous, noxious or otherwise injurious to public health, safety, comfort or general welfare. Accordingly, the following standards shall apply in all districts.

- (1) **General Standards:** In addition to the other provisions of this Resolution and other Township, County and Ohio regulations related to injurious effects such as unsafe structures, the storage of unlicensed vehicles, health hazards and water pollution, the following standards.
- (2) **Air Pollution:** No use shall pollute the air with flyash, dust, gases or vapors beyond its lot lines.

- (b) **B-1A Districts:** B-1A, Auburn Corners Retail Business Districts are established to provide for a variety of business, office, and residential uses in a compact area which are in keeping with the needs of the Township. B-1A Districts shall be located to afford safe and convenient accessibility. The configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution. (9/6/01)
- (c) **B-2 Districts:** B-2, "Village" Retail Districts are established to provide for a variety of retail, **service** and office uses in a compact, "village center" environment in the Auburn Corners area that serves as the historic core for surrounding commercial areas. B-2 Districts shall be located to afford safe and convenient accessibility. The configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution. (12/31/03)
- (d) **B-3 Districts:** B-3, Retail/Motorist Service Districts are established to provide for highway-oriented businesses and services. B-3 Districts shall be located in proximity to the interchange areas of limited access highways, and between such areas and other developments. B-3 Districts shall be located to afford safe and convenient accessibility. The configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution.
- (e) **B-4 Districts:** B-4, Office/Light Industrial Districts are established to provide for a variety of **of business**, office and light industrial uses which are in keeping with the business and employment needs of the Township and its trade area. B-4 Districts shall be located to afford safe and convenient accessibility, and the configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution.
- (f) **I-1 Districts:** I-1, General Industrial Districts are established to provide for industrial areas with a variety of business and manufacturing uses which are in keeping with the business and employment needs of the Township and its trade area. I-1 Districts shall be located to encourage the separation of residential and non-residential traffic. The configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution. (9/6/01)

"Service" being added as funeral homes and day care centers are being added as a permitted use and conditional use, respectively.

This language is being added as General Businesses are being added as a permitted use to this district. General Businesses, as defined in Auburn's zoning definitions, include a wide range of retail and service businesses. See Schedule 4A.05.

4A.03 ZONING MAP & DISTRICT BOUNDARIES: Districts and their boundaries are shown on the Zoning Map (see Appendix B of this Resolution) and are included in the legal descriptions set forth in Exhibits 1 through 20. Appendix B and said Exhibits shall be a part of this Resolution. The official Zoning Map shall be located in the office of the Fiscal Officer, who shall be responsible for its custody and safe-keeping and shall not be removed therefrom except by Township officials for the purpose of conducting Township business. The official Zoning Map shall be identified by the original signature of the Township Trustees and attested to by the Fiscal Officer together with the date of its adoption and effective date.

EXHIBIT A

4A.05 SCHEDULE OF USES:

Schedule 4A.05: Schedule of Uses

| LAND USE CATEGORY | B-1 General Business District (1) | B-1A Auburn Corners Retail Business District | B-2 "Village" Retail District | B-3 Retail/Motorist Service District | B-4 Office/Light Industrial District | I-1 General Industrial District |
|--|---|--|--|--|---|--|
| (a) Residential | | | | | | |
| (1) Detached Single Family Dwelling Unit (as part of a business) | P | C P | C P | N/P | N/P | N/P |
| (2) Reserved 6/6/07 | | | | | | |
| (3) Nursing Homes and Residential care facilities | N/P | N/P | N/P | N/P | C | N/P |
| (b) Offices | | | | | | |
| (1) Medical clinics | P | P | P | | | N/P |
| (2) Reserved 6/6/07 | | | | | | |
| (3) Professional, administrative, executive, and real estate and professional | P | P | P | | | P |
| (4) Reserved (6/2021) | | | | | | |
| (c) Retail/Services | | | | | | |
| (1) Retail in completely enclosed buildings | P | P | P | P | C | |
| (2) Reserved (6/2021) | | | | | | |
| (3) Animal hospital, Veterinary clinic and offices | P | P | P | P | | |
| (4) Reserved (6/2021) | | | | | | |
| (5) Bank, financial institution | P | P | P | P | P | N/P |
| (6) Drive-thru facilities in association with a principal use | P | P | P | P | P | C |
| (7) Funeral Home | P | P | N/P P | N/P | P | N/P |
| (8) Landscaping & Tree Service | N/P | N/P | N/P | N/P | N/P | C |
| (9) Reserved (6/2021) | | | | | | |
| (10) Restaurants | P | P | P | P | P | C |
| (11) General Businesses (4) | P | P | P | P | C P | C |
| (12) Reserved 6/6/07 | | | | | | |
| (13) Child Day Care Facility | C | C | N/P C | C | C | C |

Dwellings being change to a permitted use instead of conditional

Uses being changed (coincides with changes to Article 4A.02 on the previous page)

ARTICLE 5

SUPPLEMENTARY REGULATIONS

- 5.01 Dwellings
- 5.02 Accessory Uses
- 5.03 Conditional Uses
- 5.04 Fire Protection Pond
- 5.05 Prohibited Uses in A

While a maximum setback of 10 feet could be met, it is relatively strict. Six fast food restaurants throughout the county were reviewed to determine the approximate setback of the menu board from the building and the following distances were found: 3 feet, 16 feet, 25 feet, 33 feet, 67 feet, and 79 feet. A different approach is recommended such as a minimum distance from the side or rear lot line when adjacent to a residential use or district.

5.02 ACCESSORY USES: In addition to the other provisions of this shall be permitted and regulated as follows:

(n) Drive-in, Drive-Through Facility Regulations

1. Drive-up windows/station of payment or pick-up of an order shall not be located in front of the front building line of any building.
2. An exterior menu ordering and communication speaker system shall be:
 - a. Only utilized for communication between employees and customers.
 - b. Located a maximum of ten (10) feet from the nearest wall of the building that it serves
 - c. Designed to direct the sound away from any adjacent residential uses
 - d. Located so that service is to the driver's side door
3. Vehicle queuing or stacking shall be located on the same lot as the principal use.
4. The minimum number of required stacking spaces shall comply with the following table:

| <u>USE</u> | <u>MINIMUM STACKING SPACES PER LANE OR AS OTHERWISE NOTED</u> |
|------------|---|
|------------|---|

| | |
|---|---|
| Banks and Financial Institutions including ATMS And Similar Facilities with Service Windows | 6 |
|---|---|

| | |
|---|----|
| Restaurants and other Establishments serving and/or Selling food and/or beverages | 12 |
|---|----|

| | |
|-------------|---|
| Drug Stores | 4 |
|-------------|---|

EXHIBIT A

| | |
|---|---|
| Car Wash Facilities per tunnel | 6 |
| Auto Service Station/Auto Repair Garage (Per Accessible Side of Fuel Island) | 2 |
| Other Retail/Service Businesses | 4 |

5. Design Regulations

- a. The stacking lane shall be a minimum of nine feet (9') wide
- b. The stacking space shall be a minimum of nine feet (9') in width and twenty-three feet (23') in length.
- c. A stacking lane shall have clear pavement markings and signage to delineate and identify it and shall not interfere with on-site vehicular or pedestrian circulation.
- d. A stacking lane shall not block off-street parking spaces or be located in fire lanes.
- e. Any adjacent driveway to a stacking lane shall have clear pavement markings and have a minimum width of fourteen feet (14') for one-way vehicular traffic or twenty-five feet (25') for two-way vehicular traffic.
- f. Vehicles waiting to enter a stacking lane shall not be permitted within any public or private road right-of-way.
- g. For restaurants and other establishments serving and/or selling food and/or beverages, a minimum of three (3) parking spaces shall be provided for customer vehicles that are waiting for order pick-up. These parking spaces shall comply with the parking arrangements in Appendix "C".

- d. All vacuum cleaners and customer trash receptacles must be located behind the car wash facility and screened from adjoining lots and the road right-of-way.
 - e. Storage of car wash facility supplies shall be within the car wash facility building on the lot or in a detached building that may be located behind the car wash facility with a minimum setbacks per 4A.07.
 - f. Dumpsters shall be screened from adjacent lots and the road right-of-way and shall not be located in front of the car wash facility building.
 - g. Vehicle entry and exit lanes shall be clearly identified using pavement markings and/or signage and comply with 5.03(n)4. regarding stacking spaces.
 - h. Any exterior hand drying area shall be located adjacent to the car wash facility tunnel exit.
 - i. Car wash facility shall comply with all applicable regulations for B-1, B-1A, B-3, B-4 and I-1 zoning districts.
- (3) **Maintenance Standards:** In addition to 3.02 the following conditions shall apply:
- a. All wastewater shall be contained, treated, and/or recycled meeting Ohio E.P.A. standards and regulations.
 - b. Outdoor vehicle storage is not permitted.
 - c. A report from a qualified hydrologist demonstrating that an adequate groundwater supply is available to serve the car wash facility shall be provided with an application for a conditional zoning certificate
 - d. Noise levels shall not exceed those set forth in 4A.12.
 - e. There will be a review of the conditions after one year of operation or as determined by the Board of Zoning Appeals. 9/2022

(I) **Automobile Sales:** (7/21/10)

- (1) **Location and Access:** Auto sales shall be a conditional use in the B-1 and B-1A Zoning districts and shall comply with 3.07.
- (2) **Development Standards:** In addition to 3.01 the following conditions shall apply:

- (b) **Applications:** The following applications accepted for processing by the Zoning Inspector shall be required.
- (1) **Zoning Certificate:** Depending on their proposed uses, zoning certificate applications in all zoning districts shall be acted on by the Zoning Inspector. See 6.02 (8/15/18) (8/2022)
 - (2) **Zoning Certificate for Conditional Use:** Zoning Certificate applications for conditional uses in all zoning districts shall be acted on by the Board of Zoning Appeals and Conditional Zoning Certificates will be issued by the Zoning Inspector. See 6.02 and 6.05. (8/2022)
 - (3) **Appeal:** Appeal applications based on any alleged error in the interpretation or administration of the Resolution affected by the Zoning Inspector shall be acted on by the Board of Zoning Appeals; and Zoning Certificate issued by the Zoning Inspector shall be based on approval by the Board of Zoning Appeals. See 6.02 (a) and 6.05 (d). 8/15/18
 - (4) **Amendment:** Amendment application made by one or more owners or lessees of property in the area affected shall be acted on by the Commission and Trustees. See 6.02 (a) and 6.06.
- (c) **Required Data:** The following application data in triplicate, or as may otherwise be required by this Resolution, shall be provided by the applicant.
- (1) **Forms:** Each application shall include an application form supplied by the Zoning Inspector, and completed and certified by the applicant or his authorized legal representative.
 - (2) **Legal Descriptions:** Each application shall include a legal description of the subject lot or lots as recorded with the Geauga County Recorder; or, in the case of a platted subdivision, a copy of the plat showing the subject lot or lots as recorded with the Geauga County Recorder. **If the recorded legal description or plat of the subject lot or lots is not based upon a survey prepared by a professional land surveyor licensed in the State of Ohio or if the Zoning Inspector determines that the recorded legal description or plat is insufficient in order to ensure that the applicable regulations contained in this Resolution are met, then the Zoning Inspector may require that a legal description or plat based upon a survey of the subject lot or lots be prepared by a professional land surveyor licensed in the state of Ohio and submitted as a part of the application.**
 - (3) **Development Plans:** Unless waived or modified by the Zoning Inspector, each application shall include a plan drawn to scale and certified by the applicant showing the exact dimensions and configuration of the subject lot or lots, and the exact size and location of all existing and proposed structures and development including finished grades at contour intervals of two (2) feet.



Crombie, Linda

The proposed language stems from the Township having instances of owners submitting a site plan showing a structure will be located at a required setback but it ends up being built in the incorrect location, partially due to owners not knowing where their lot line is located.

The proposed language gives the zoning inspector authority to require a new survey or legal description if the existing is not based on a survey OR if it is determined to be insufficient. "May" is used, so it would be discretionary, but this could be inappropriately applied.

In the proposed language, the purpose of requiring the survey is "to ensure that the applicable regulations contained in this Resolution are met..."

Item 3 (Development Plans) already requires the applicant submit "a plan drawn to scale and certified by the applicant showing the exact dimensions and configuration of the subject lot or lots, and the exact size and location of all existing and proposed structures..."

It is always the owner's responsibility to know where their property lines are located, existing and proposed setbacks, etc., regardless of the state of their legal description or plat.

Additionally, there are many deeds that are not based upon a survey. Even if a new legal description is prepared by a surveyor, a legal description is a written document that describes the boundaries of a lot; it is not a site plan that portrays the location of buildings, driveways, etc.

The only way for a structure to be built exactly where a site plan indicates it should be is to have a surveyor stake the corners of the building. A surveyor staking the location of the lot line is another option. However, requiring such an endeavor and cost should not be a requirement. An owner can opt to hire a surveyor so they know where the lot line is located. If they build a structure not in compliance with zoning, it can be acted on as a zoning violation/enforcement issue and potentially be required to be removed.

Recommend this language not be included.

(2) **Hearings:** Hearings before the Board of Zoning Appeals shall be conducted in accordance with the following:

- a. Any person may appear in person or by attorney.
- b. All testimony and evidence received by the Board shall be given under oath or affirmation administered by the chairman or in his absence the acting chairman of the Board of Zoning Appeals.
- c. A party in interest shall be allowed:
 1. To present his position, arguments, and contentions;
 2. To offer and examine witnesses and present evidence in support thereof;
 3. To cross-examine witnesses purporting to refute his position, arguments and contentions;
 4. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments, and contentions;
 5. To proffer any such evidence into the record if the evidence thereof is denied by the officer or body of the Board.
- d. The Board of Zoning Appeals shall be provided with ten (10) copies of all exhibits submitted by a party. All exhibits submitted shall be marked for identification, safely kept and preserved by the Board.
- e. An accurate record of the proceedings shall be maintained by the Board of Zoning Appeals.

Township proposed to change this time frame as three times a year (the months with a 5th week), they cannot act on their meeting minutes within 30 days without having to schedule a special meeting.

(3) **Decisions:** Decisions of the Board of Zoning Appeals shall be in accordance with the following:

- a. All decisions shall include findings of fact of the Board of Zoning Appeals in support of the decision.
- b. A decision of the Board of Zoning Appeals and the adoption of findings of fact shall be made at a public meeting of the Board of Zoning Appeals. The decision and the findings of fact of the Board shall be in writing and signed at a public meeting of the Board of Zoning Appeals by all members voting affirmatively thereon no later than ~~thirty (30) days~~ sixty (60) days from the last date of public hearing.

EXHIBIT A

- (c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

- (17) **SUBSTANTIAL ENLARGEMENT** of a Sexually Oriented business means the increase in floor area(s) occupied by the business by more than twenty-five percent (25%), of the floor area existing on the date this amendment takes effect.

9.04 CLASSIFICATIONS

SEXUALLY ORIENTED BUSINESSES are classified as follows:

- (1) adult arcades;
- (2) adult bookstores, adult novelty stores, or adult video stores; adult cabarets;
- (3) adult motion picture theaters;
- (4) adult theaters;
- (5) nude model studios; and
- (6) sexual encounter centers.

9.05 LOCATION

- (1) Sexually Oriented Businesses shall be classified as a conditional use and may be located only in accordance with the conditions contained below.
- (2) Sexually Oriented Businesses may be located only in those areas that are zoned as an I-1 District.
- (3) No Sexually Oriented Business may be established on any lot which has frontage, borders on or touches U.S. Route 422 (U.S.R. 422), **Washington Street (CH606)** or State Route 44 (SR44).
- (4) No Sexually Oriented Business may be established within 600 feet of:
 - (a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. For purposes of determining the distance of 600 feet provided hereinabove, a school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;