

CHESTER TOWNSHIP

GEAUGA COUNTY, OHIO

ZONING RESOLUTION

AMENDED TO DECEMBER 29, 1962

INCLUDING ZONING MAP OF
CHESTER TOWNSHIP

PRICE \$2.50

TABLE OF CONTENTS

	<u>Page</u>
SECTION 1. <u>PURPOSE.</u>	2
SECTION 2. <u>DEFINITIONS.</u>	
Definitions and Interpretations	4
Rules of Interpretation	4
Accessory Use	5
Advertising Sign	7
Agriculture	7
Auto Wrecking Yard	7
Average Finished Grade Level	7
Board	7
Building	7
Building, Completely Enclosed	8
Building Height	8
Business Sign	8
Clinic	9
Commercial Parking Garage	9
Commercial Parking Lot	9
Commission	10
District	10
Dwelling	10
Dwelling, Multi-Family	11
Dwelling, One-Family	11
Dwelling, Two-Family	11
Dwelling Unit	11
Family	11
Floor Area	12
Gasoline Filling Station	12
Golf Club, Private	12
Home Occupation	13
Hospital	14
Hospital, Animal	15
Hotel	15
Junk Yard	15
Kennel	15
Line, Building	15
Lot	16
Lot Area	16
Lot, Corner	16
Lot, Interior	16
Lot Line	16
Lot Line, Front	17
Lot Line, Rear	17
Lot Line, Side	17

DEFINITIONS. (Cont'd)

Pa

Lot, Through	1
Lot Width	1
Motel	1
Non-Conforming Building	18
Non-Conforming Use	18
Quarry	18
Residence or Residential	18
School	18
Setback	18
Sign	18
Story	20
Street	20
Street or Right-of-Way Line	20
Structural Alteration	20
Structure	20
Tourist Home	21
Trailer, House	21
Trailer Camp	21
Trustees	21
Use	21
Used Car Lot	22
Yard	22
Yard, Front	22
Yard, Rear	22
Yard, Side	22

SECTION 3. GENERAL PROVISIONS.

Establishment of Districts	23
Incorporation of Maps	23
District Boundary Lines	23
In Case of Uncertainty	24
Regulations Over Use, Area, Yards and Height	24
Required Street Frontage	25
Measurement of Distances and Yards	26
Permitted Obstructions in Yards	26
Building Height Exceptions	27
Agriculture	28
Waiver for Public Utilities	28
Provisions Are Minimum Requirements	29
Conflicting and Overlapping Regulations	29
Existing Permits and Private Agreements	29
Severability	30
Effective Date	31

SECTION 4. DISTRICT REGULATIONS.

Page

R - Residence District	32
Permitted Uses	32
Conditional Uses	34
Golf Club, Private	34
Memorial Park	37
Sign Regulations	43
Off-Street Parking	45
Off-Street Loading	46
Area, Yard and Height Regulations	46
Dimensional Requirements in an	
R District (Table)	47
Rear Houses	48
Corner Sight Clearance	48
R 2- Multi Family District	48A
Permitted Uses	48A
Conditional Uses	48A
Sign Regulations	48B
Off-Street Parking	48C
Off-Street Loading	48D
Area, Yard and Height Regulations	48D
Dimensional Requirements in an	
R2 District (Table)	48E
Spacing Between Buildings on the	
Same Lot	48F
Rear Houses	48F
Corner Sight Clearance	48G
C - General Commercial District	49
Permitted Uses	49
Sign Regulations	52
Off-Street Parking	54
Off-Street Loading	54
Area, Yard and Height Regulations	54
Dimensional Requirements in an	
C District (Table)	55
Yards Adjoining an R District	56
Spacing Between Buildings on the	
Same Lot	56
Rear Houses	57
Corner Sight Clearance	58
SC - Shopping Center District	59
Purpose, Intent and Definition	59
Approval of Plans	59
Standards	60
Permitted Uses	61
Off-Street Parking	64
Sign Regulations	63
Off-Street Loading	66
Area, Yard and Height Regulations	67
Screening for Shopping Center	68

I - Restricted Industrial District 70
Permitted Uses 70
Sign Regulations 71
Off-Street Parking 73
Off-Street Loading 73
Area, Yard and Height Regulations 73
 Dimensional Requirements in an
 I District (Table) 74
 Yards Adjoining An R District 75
 Corner Sight Clearance 75

	<u>Page</u>
<u>ARTICLE 5. NON-CONFORMING USES.</u>	
General Application	76
Change of Use	76
Discontinuance of Use	76
Damage and Destructations	77
Extension	78
Repairs and Structural Alterations	78
Completion of a Non-Conforming Building or Structure	79
<u>ARTICLE 6. OFF-STREET LOADING and OFF-STREET PARKING.</u>	
Off-Street Loading and Off-Street Parking Space Requirements	80
Off-Street Loading for Non-Residential Buildings	80
Use of Streets for Loading Prohibited	80
Surfacing	80
Off-Street Parking Space Requirements	81
Size of Space	87
Surfacing	87
Lighting	87
Joint Facilities	88
Sale of Fuel and Repairs	88
Location and Maintenance	88
Screening	88
<u>ARTICLE 7. ADMINISTRATIVE PROVISIONS.</u>	
Amendments and Supplements	90
Enforcement	93
Zoning Inspector	93
Zoning Certificate	94
Application for Zoning Certificates	94
Fees for Zoning Certificates	95
Void Certificates	97
Prohibition Against Violating Zoning Resolution	97
Board of Zoning Appeals	98
Powers of the Board	99
Procedure	104

ZONING RESOLUTION of CHESTER TOWNSHIP

GEAUGA COUNTY, OHIO

A resolution providing for the zoning of the unincorporated area of CHESTER TOWNSHIP, Geauga County, Ohio, by regulating, in accordance with a comprehensive plan, the location, height, area, number and size of buildings and other structures, percentages of lot area which may be occupied, size of yards, courts and other open spaces, density of population, uses of buildings and other structures and the uses of land; and for such purposes dividing the unincorporated area of the township into districts and zones of such number, shape and area as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this resolution.

WHEREAS, the Board of Trustees of Chester Township deems it in the interest of the public health, safety, mor comfort, convenience, prosperity and general welfare of sa Township and its residents to establish a general plan of zoning.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Chester Township:

SECTION 1

PURPOSE

Section 1. Purpose.

This Resolution is adopted in order to protect and promote the public health, safety, welfare, morals, comfort, convenience and prosperity. Specifically, the purposes of this Resolution are, among others:

- a. The protection of the community against, fire, explosion, air pollution, vibration and other hazards to their health, safety, comfort or welfare.
- b. The prevention of vehicular traffic congestion on the streets by the appropriate classification of uses for each type of zoning district and the provision for off-street parking and loading facilities.
- c. To provide sufficient space in appropriate locations for the integrated development of residence, business and industry and those related uses supplying essential services, in accordance with a comprehensive plan, thus promoting the most desirable and appropriate use and development of all land in order to better stabilize the value of land and buildings and thus protect the tax base of the Township and the public health, safety,

prosperity, comfort, convenience and welfare of said Township and its residents.

- d. Protect residential areas by limiting the density of population in order to avoid water pollution because of the difficulties in providing adequate sewage disposal and to protect the limited supply of water; by providing for access of light and air to windows and also for privacy, by means of controls over the spacing and relative height of buildings and other structures; and by providing for open space on the same lot with residential development.
- e. The prevention of overcrowding and blight of residential, commercial and industrial areas by regulating the area and height of buildings, yards and other open spaces in order to provide light, air and privacy and thus to protect the public health, safety, morals, comfort, convenience, prosperity and welfare.
- f. Secure the most appropriate use of land, to promote the beneficial development of all land, to promote stability, to protect the character and established pattern of desirable development in each area, to facilitate adequate but economical provision of public improvements, to conserve the value of buildings and to enhance the value of land; all in accordance with a comprehensive plan.

SECTION 2

DEFINITIONS

Section 2. Definitions and Interpretations.

For the purpose of this Resolution the following words and terms shall be defined and interpreted in accordance with the provisions set forth in this Section 2.

Section 2.1. Rules of Interpretation. The following general rules of interpretation shall apply:

1. The particular controls the general.
2. In case of any difference of meaning or implication between the text of this Resolution and the captions for each section, the text shall control.
3. The word "shall" is always mandatory and not directory. The word "may" is permissive.
4. Words used in the present tense include the future, unless the context clearly indicates the contrary.
5. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
6. A "building" or "structure" includes any part thereof. A "building or other structure" includes all other

structures of every kind, regardless of similarity to buildings.

g. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

h. Unless defined in this Resolution, words and phrases shall be given their usual and customary meaning.

Section 2.2. Accessory Use. An "accessory use" is either subordinate use of a building, other structure, or lot, or subordinate building or other structure:

- a. Whose use is clearly incidental to the use of the principal building, other structure or use of land, a
- b. Which is customary in connection with the principal building, other structure or use of land, and
- c. Which is located on the same lot with the principal building, other structure or use of land.

An "accessory use" includes - but is not limited to - the following:

- (1) Sleeping accommodations for servants and caretakers.
- (2) A non-commercial greenhouse.
- (3) A barn, shed, tool room, or other similar building or other structure for domestic or agricultural stor:

- (4) Keeping of domestic animals, but only for personal enjoyment, for household use, or for cultivation of the soil, and not including a commercial stable or kennel.
- (5) Incinerators incidental to residence and public or private institutions.
- (6) Home occupations.
- (7) Storage of merchandise normally carried in stock, on the same lot with any retail, service or commercial use, unless such storage is excluded by the district regulations.
- (8) Storage of goods used in or produced by manufacturing activities, on the same lot with such activities, unless such storage is excluded by the district regulations.
- (9) The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a building or other structure on the same lot.
- .0) Private swimming pools.
- .1) Off-street parking spaces as required by the provisions of this Resolution.
- .2) Off-street loading spaces as required by the provisions of this Resolution.
- .3) Fall-out or bomb shelters.

Section 2.3. Advertising Sign. An "advertising sign" is a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises.

Section 2.4. Agriculture. "Agriculture" shall include farming, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry, and the sale of agricultural products.

Section 2.5. Auto Wrecking Yard. An "auto wrecking yard" is a lot where motor vehicles are disassembled, dismantled, junked or wrecked, or where inoperative motor vehicles or used parts of motor vehicles are stored.

Section 2.6. Average Finished Grade Level. The "average finished grade" is the average of the grade of the ground at all corners of a building or other structure.

Section 2.7. Board. The "Board" shall mean the Board of Zoning Appeals of Chester Township.

Section 2.8. Building. A "building" is any structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either open space or lot lines.

A "building" shall not include such structures as billboards, radio towers, etc., nor structures with interior

faces not normally accessible for human use, such as gas
tanks, oil tanks, water tanks, grain elevators, coal bunkers,
cracking towers, and other similar structures.

A "building" may consist, for example, of a one-family
dwelling, a two-family dwelling, a row of garden apartments with
individual entrances, or an apartment house; of a single store
or a row of stores (depending on location of lot lines); or
a factory.

Section 2.9. Building, Completely Enclosed. A "completely
enclosed building" is a building separated on all sides from
adjacent open space or from other buildings or structures by
a permanent roof and by exterior or party walls, pierced only
by windows and usual doorways.

Section 2.10. Building Height. The "building height" shall
be the vertical distance measured from the average finished
grade level to, in the case of flat roofs, the level of the
lowest point of the roof, or, in the case of pitched roofs,
the mean level between the eaves and the highest point of
roof.

Section 2.11. Business Sign. A "business sign" is a sign
which directs attention to the principal business or profes-
sion conducted or to the principal products sold upon the
premises. A "For Sale" or "For Rent" sign relating to the

premises on which such sign is displayed shall be deemed a business sign.

Section 2.12. Clinic. A "clinic" is any building or other structure devoted to the diagnosis, treatment and care of people as out-patients.

Section 2.13. Commercial Parking Garage. A "commercial parking garage" shall include any building which:

- a. Is used for the storage of motor vehicles, and
- b. Is not accessory to any other use on the same or any other lot, and
- c. Contains space rented to the general public by the hour, day, week, month, or year.

However, a "commercial parking garage" shall not in-

- d. Any establishment used for automobile repairs, except minor repairs which are solely incidental to the storage of motor vehicles, nor
- e. Any establishment used exclusively for the storage of commercial or public utility motor vehicles, or for the dead storage of motor vehicles.

Section 2.14. Commercial Parking Lot. A "commercial parking lot" shall include any lot which:

- a. Is used for the storage of motor vehicles, and
- b. Is not accessory to any other use on the same or any

other lot, and

- c. Contains space rented to the general public by the hour, day, week, month, or year.

However, a "commercial parking lot" shall not include:

- d. Any establishment used for automobile repairs, excepting minor repairs which are solely incidental to the storage of motor vehicles, nor
- e. Any establishment used exclusively for the storage of commercial or public utility motor vehicles, or for dead storage of motor vehicles.

Section 2.15. Commission. The "Commission" shall mean the Planning Commission of Chester Township.

Section 2.16. District. Residence Districts include all R Districts. General Commercial Districts include all C Districts. Shopping Center Districts include all S.C. Districts. Restricted Industrial Districts include all I Districts.

Section 2.17. Dwelling. A "dwelling" is a building containing one or more dwelling units only. A "dwelling" shall include a one-family dwelling, two-family dwelling, multi-family dwelling or a group of such dwellings, but shall not include a cabin, mobile home, house trailer, tent, hotel, motel, rooming house or other such accommodations used for more or less transient occupancy. Nor shall a basement, wholly or partially below the natural grade level of the lot be considered a dwelling.

Section 2.18. Dwelling, Multi-Family. A "multi-family dwelling" is a building containing three (3) or more dwelling units.

Section 2.19. Dwelling, One Family. A "one-family dwelling" is a building containing one (1) dwelling unit and to be occupied by only one (1) family.

Section 2.20. Dwelling, Two Family. A "two-family dwelling" is a building containing two (2) dwelling units and to be occupied by only two (2) families.

Section 2.21. Dwelling Unit. A "dwelling unit" is one (1) or more rooms in a building which is designed for residential occupancy having cooking and approved sanitary facilities and occupied by one (1) family. There may be one (1) or more "dwelling units" within a single building.

Section 2.22. Family. A "family" is any one of the following when occupying a dwelling unit and maintaining a common household in which all members of such "family" have use and access to all parts of the dwelling unit:

- a. One (1) person and not more than two (2) lodgers; or
- b. Two (2) or more persons related by blood, marriage or adoption and not more than two (2) lodgers; or
- c. Not more than four (4) unrelated persons. A "family" may also include domestic servants and gratuitous guests.

tion 2.23. Floor Area. The "floor area" of a building is sum of the gross horizontal areas of the several floors of building, measured from the exterior faces of exterior walls from the center line of walls separating two (2) buildings.

oor area" shall not include:

- . Basement space.
- . Attic space.
- . Terraces, breezeways and open porches.
- . Uncovered steps.
- . Garages.

tion 2.24. Gasoline Filling Station. A "gasoline filling tion" is any building, structure or lot used only for the e of motor vehicle fuels, oils, lubricants and automobile essories directly to the consumer, and may include minor airs incidental to such use.

tion 2.25. Golf Club, Private. A "private golf club" is ecreational facility whose principal recreational activity golf, and is available only to a limited number of members. essory facilities may include a swimming pool, tennis rts, club house and maintenance buildings. A "private golf b" includes every type of similar establishment designated ntry club, swimming club, etc. Such club shall be subject the regulations set forth in Section 4.3.

Section 2.26. Home Occupation. A "home occupation" is an accessory use which:

- a. Is customarily carried on in a dwelling unit in Chester Township, and
- b. Is carried on by an occupant of the dwelling unit, and
- c. Is clearly incidental or secondary to the residential use of the dwelling unit, and
- d. Conforms to the following additional conditions:
 - (1) The home occupation shall be carried on entirely in the dwelling unit.
 - (2) Not more than one person, other than occupants of the dwelling unit, shall be employed in the home occupation.
 - (3) Not more than 250 square feet of floor area shall be devoted to home occupations in any dwelling unit.
 - (4) Articles sold or offered for sale shall be limited to those produced in the dwelling unit.
 - (5) There shall be no exterior display, no exterior sign (except as permitted by the applicable district regulations), no exterior storage of materials, commercial vehicles, trucks or other equipment, and no other exterior indication of the home occupation, or variation of the residential character of the principal building.

(6) No offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects shall be produced.

particular, a home occupation includes, but is not limited the following:

1. Dressmaking.
2. Professional office of a medical or osteopathic physician, dentist, podiatrist, chiropodist, lawyer, engineer, artist, architect, or accountant.
3. Teaching, with musical instruction limited to two (2) pupils at a time.

never, a home occupation shall not be interpreted to include the following:

1. Barber shop.
2. Beauty parlor.
3. Commercial stable or kennel.
4. Restaurant.
5. Dancing studio.

tion 2.27. Hospital. A "hospital" is any building or other structure containing beds for at least four (4) patients and devoted to the diagnosis, treatment or other care of human ailments.

Section 2.28. Hospital, Animal. An "animal hospital" is a building or structure providing accommodations for and devoted to the diagnosis and treatment of animals. An "animal hospital" includes every type of similar establishment designated as a clinic, veterinary clinic, etc.

Section 2.29. Hotel. A "hotel" is a building, or any part of a building which:

- a. Contains at least ten (10) living or sleeping accommodations for transient occupancy for compensation, and
- b. Has a common entrance or entrances.

Section 2.30. Junk Yard. A "junk yard" is a lot with or without buildings where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, paper, rags, cordage, barrels, machinery, vehicles, etc., are sold, bought, exchanged, baled, packed, sorted, stored, disassembled or handled.

Section 2.31. Kennel. A "kennel" is any building, structure or use of land where dogs are boarded, cared for, bred or sold for the purpose of sale.

Section 2.32. Line, Building. A "building line" is a line beyond which no building may extend and is located a minimum horizontal distance, as specified in the district regulations, from and parallel to a lot line.

tion 2.33. Lot. A "lot" is a piece, parcel, tract, or plot land in one ownership which may include one (1) or more lots record occupied or to be occupied by a principal building accessory buildings, or utilized for a principal use and s accessory thereto, and including such open spaces as re- red by this Resolution.

tion 2.34. Lot Area. "Lot area" is the horizontal area of lot exclusive of streets, other public rights-of-way and vate rights-of-way held open to public use.

tion 2.35. Lot, Corner. A "corner lot" is any lot bounded irely by streets, or a lot which adjoins two (2) or more arsecting or intercepting streets where the interior angle such intersection does not exceed one hundred and thirty- e (135°) degrees.

tion 2.36. Lot, Interior. An "interior lot" is any lot er than a corner lot.

tion 2.37. Lot Line. A "lot line" is any line separating ot from a street or other right-of-way, another lot, or other land not part of the lot.

tion 2.38. Lot Line, Front. For an interior lot, a "front line" is a street line. On a corner lot, the owner or sloper may elect either street line as the "front lot line"

subject to the approval of the Commission. The Commission shall approve such choice if it finds that such "front lot line" will not be injurious to existing or desirable future development of adjacent properties.

Section 2.39. Lot Line, Rear. A "rear lot line" is any line, other than a front lot line on another street, which is parallel to the front line or within forty-five (45) degrees of being parallel to the front lot line.

Section 2.40. Lot Line, Side. A "side lot line" is any line which is not a front lot line or a rear lot line.

Section 2.41. Lot, Through. A "through lot" is any lot which is a corner lot, that has frontage on two (2) streets. Both street lines shall be deemed front lot lines.

Section 2.42. Lot Width. The "lot width" shall be the horizontal distance between the side lot lines of a lot measured at the building line.

Section 2.43. Motel. A "motel" is a building or group of buildings containing living or sleeping accommodations for transient occupancy, and providing an off-street parking space on the lot for each sleeping room, and with direct access to each such room from the outside. A "motel" includes every type of similar establishment designated auto court, tourist cabins, etc.

ction 2.44. Non-Conforming Building. A "non-conforming building" is any building or other structure that does not conform to the applicable area, yard, height and similar regulations of the district in which such building is located, either on the effective date of this Resolution or as a result of subsequent amendments.

ction 2.45. Non-Conforming Use. A "non-conforming use" shall include any use, whether of a building, other structure, or a lot, which does not conform to the use regulations of this Resolution for the District in which such "non-conforming use" is located, either at the effective date of this Resolution or as a result of subsequent amendments.

ction 2.46. Quarry. A "quarry" is any land from which rock, stone, gravel, sand, earth or mineral is removed, or excavated for the purpose of disposition away from the immediate premises. However, this shall not include excavation necessary for the actual foundations of any building or structure for which a zoning certificate has been issued.

ction 2.47. Residence or Residential. A "residence" (or "residential") shall include a building, or any part of a building, which contains dwelling units for permanent occupancy. "Residences" therefore include all one-family, two-family and multi-family dwellings. However, "residences" do not include:

designated by any government or governmental agency or of any charitable, religious, educational or similar organization.

Section 2.51. Story. A "story" is that part of the building between the surface of a floor and the ceiling immediately above. For the purposes of height measurement, a basement shall be counted as a story where more than one-half ($\frac{1}{2}$) of its height is above the average finished grade level.

Section 2.52. Street. A "street" is a public or private thoroughfare which affords the principal means of access to adjoining property with a width of not less than sixty (60) feet.

Section 2.53. Street or Right-of-Way Line. A "street or right-of-way line" is a line separating a lot from a street or right-of-way.

Section 2.54. Structural Alteration. A "structural alteration" is any change in or addition to the supporting members of a structure, such as bearing walls, beams, foundation, columns or girders.

Section 2.55. Structure. A "structure" is any combination of materials forming any construction, the use of which requires location on the ground or attachment to something having location on the ground.

Section 2.56. Tourist Home. A "tourist home" is a dwelling unit in which sleeping accommodations for more than three and less than ten (10) persons are offered for transient occupancy and for compensation. A "tourist home" shall include a rooming house.

Section 2.57. Trailer, House. A "house trailer" is a vehicle used for living or sleeping purposes and standing on wheels or on rigid supports.

Section 2.58. Trailer Camp. A "trailer camp" is a lot where two (2) or more trailers are parked, or which is used or set out for the purpose of supplying to the public a parking space for two (2) or more trailers.

Section 2.59. Trustees. The "Trustees" shall mean the Board of Township Trustees of Chester Township.

Section 2.60. Use. A "use" is the term employed to refer to:

- a. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied, or
- b. Any occupation, business, activity or operation carried on, or intended to be carried on, in a building or other structure or on land.

Section 2.61. Used Car Lot. A "used car lot" is any lot on which two (2) or more automobiles in operating condition are offered for sale or displayed to the public.

Section 2.62. Yard. A "yard" is that portion of the open area on a lot extending open and unobstructed from its lowest level to the sky, inward along a lot line, and from the lot line for a depth or width specified in the regulations of the district in which the lot is located.

Section 2.63. Yard, Front. A "front yard" is a yard extending along the full length of the front lot line between the side lot lines.

Section 2.64. Yard, Rear. A "rear yard" is a yard extending along the full length of the rear lot line between the side lot lines.

Section 2.65. Yard, Side. A "side yard" is a yard extending along one side lot line from the required front yard to the required rear yard. Where no front yard or rear yard is required, the side yard shall extend along the side lot line from the front lot line to the rear lot line as the case may

In the case of a corner lot, any yard which is not a front yard shall be considered a side yard.

SECTION 3

GENERAL PROVISIONS

Section 3. General Provisions. The regulations set forth below shall govern the interpretation and application of the provisions of this Resolution.

Section 3.1. Establishment of Districts. In order to carry out the provisions of this Resolution, Chester Township is hereby divided into the following districts:

- R. One and Two Family Districts
- R2. Multi Family Residence Districts
- C. General Commercial District
- S.C. Shopping Center District
- I. Restricted Industrial District

Section 3.2. Incorporation of Maps. The location and boundaries of the districts established by this Resolution are shown upon the zoning map entitled "Zoning Map of Chester Township". Said map and all notations, dimensions, designations, references, data and other information shown thereon are hereby incorporated into and made a part of this Resolution.

Section 3.3. District Boundary Lines. An area enclosed by a district boundary line shall be in the district designated therein.

ction 3.4. In Case of Uncertainty. Where uncertainty exists as to the precise location of the boundaries of any of the aforesaid districts, as shown on the zoning maps, the following rules shall apply:

- a. Where a boundary line appears within a street or other right-of-way, the boundary line shall be deemed to be the center-line of the street or other right-of-way.
- b. Where a boundary line appears to follow a lot line, such a lot line shall be deemed to be the boundary line.
- c. In the case of parks and cemeteries, the boundary shall be deemed to coincide with the boundary line of the park or cemetery.
- d. Where a street, watercourse or other right-of-way has been vacated, the abutting zoning classification on each side thereof shall automatically be extended to the center-line of said vacated street, watercourse or right-of-way.

ction 3.5. Regulations Over Use, Area, Yards and Height. After the effective date of this Resolution and subject to the provisions of Section 5 (non-conforming uses) for existing uses, and all other applicable regulations of this Resolution for all uses,

- a. No building, structure or lot shall be used, located, erected, constructed, reconstructed, enlarged or

structurally altered except in conformity with the applicable regulations of the district in which such building, structure or lot is located unless such lot was designated on a recorded plat or separately owned at the time this Resolution became effective and cannot be practicably enlarged to conform to the applicable regulations.

- b. No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this Resolution.
- c. No yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Resolution shall be considered as providing a yard or open space for any other building or structure and no yard or other open space on one lot shall be considered as providing a yard or open space for a building or structure on any other lot.
- d. No lot held under one ownership at the time of the effective date of this Resolution shall be reduced or subdivided in any manner below the minimum area and yard provisions required by this Resolution.

Section 3.6. Required Street Frontage. Except as otherwise provided in this Resolution each lot shall adjoin a street

ction 3.7. Measurement of Distances and Yards. Except as otherwise provided, all prescribed distances shall be measured a straight line. The depth and width of all yards shall be asured perpendicular to and from lot lines. However, where setback has been established along any street, the yard mensions shall be measured perpendicular to and from such tback.

In the case of irregularly shaped lots, the required nimum lot width shall be measured at the building line. wever, the arc of the front lot line shall be at least one ndred (100) feet.

ction 3.8. Permitted Obstructions in Yards. Unless other- se specifically provided, the following shall not be con- dered as obstructions when located within required yards:

Roadside stands, as provided in Section 4.1.

Uncovered porches less than ten (10) feet in width.

Terraces.

Steps.

Air conditioning units.

Awnings and canopies.

Recreational and drying yard equipment.

Arbors and trellises.

Flagpoles.

Uncovered gas tanks, gasoline pumps, or oil tanks.

Fences.

Underground tanks.

Walls not exceeding eight (8) feet in height.

In required front and side yards in C Districts:

Off-street parking, as required by the District Regulations. However, a distance of ten (10) feet, measured from the street right-of-way line or the setback line to the building shall remain unobstructed.

In required side and rear yards in an R District:

Accessory buildings and structures, that are not attached or permanently connected by a substantial wall or roof to the building may only be located at the rear of the main building. Such accessory buildings or structures may encroach not more than five (5) feet into a side yard and shall be at least ten (10) feet from the rear lot line.

Section 3.9. Building Height Exceptions. The height limitations specified in the several district regulations of the Resolution shall not apply to the following:

Chimneys.

Church spires.

Clock towers.

Belfries.

Water towers.

Flag poles.

Monuments.

Transmission towers or cables.

Radio or television towers or antennae.

Silos.

Elevator machinery space.

Grain elevators.

Windmills.

ction 3.10. Agriculture. Nothing in this Resolution shall be deemed to prohibit the use of any land for agricultural purposes and the construction or use of buildings occupied by the owner or his family or the operator of the farm or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located so long as the construction and location of such buildings and structures on the lot conform to the applicable provisions of this resolution.

ction 3.11. Waiver for Public Utilities. Nothing in this resolution shall be deemed to confer any power upon the Trustees or the Board with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, public or private, or the use

of land by any public utility or railroad for the operation of its business.

Section 3.12. Provisions Are Minimum Requirements. The provisions of this Resolution shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This Resolution shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes.

Section 3.13. Conflicting or Overlapping Regulations. Where both a provision of this Resolution, any other provision of this Resolution, or any provision in any other law, ordinance, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. All uses and all area, height and yard provisions permitted under the terms of this Resolution shall be in conformity with all other provisions of law.

Section 3.14. Existing Permits and Private Agreements. Subject to the provisions of Section 5 (Non-Conforming Uses) and Section 7 (Enforcement), this Resolution is not intended to abrogate or annul a zoning certificate lawfully issued prior to the effective date of this Resolution or any subsequent applicable amendment or any easement, covenant or other private agreement.

ction 3.15. Severability. It is hereby declared to be the legislative intent that the several provisions of this Resolution shall be severable, in accordance with the provisions set forth below:

- a. If any provision of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid. Such decision shall not affect, impair or nullify this Resolution as a whole or any part thereof, but the rest of this Resolution shall continue in full force and effect.
- b. If the application of any provision of this Resolution to any lot, building, or other structure is declared to be invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that lot, building, or other structure immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered. Such decision shall not affect, impair or nullify this Resolution as a whole or the application of any provision thereof, to any other lot, building, or other structure.

Section 3.16. Effective Date. This Resolution shall be in full force and effect from and after its passage as provided by law.

SECTION 4

DISTRICT REGULATIONS

ction 4. R - Residence Districts. Subject to the provisions of Section 3, the following regulations shall apply in an R District:

ction 4.1. Permitted Uses. Only the following uses shall be permitted in an R District provided such uses do not create any danger to health and safety in the surrounding area, and do not create any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants or other objectionable influences:

- One-family dwellings plus two (2) roomers.
- Two-family dwellings plus two (2) roomers per family.
- Places of worship.
- Schools.
- Libraries.
- Museums.
- Public parks, public playgrounds and other public recreation facilities.
- Public utilities.
- Township and other governmental buildings.
- Agriculture.
- Roadside stands constructed of removable members for the display and sale of farm products produced in Chester Township. Such stands shall be at least fifteen (15) feet from the street right-of-way line and shall maintain adequate off-street parking spaces for customers' vehicles.
- Accessory uses.
- Signs, as regulated in Section 4.5.
- Hospitals, sanitariums or rest homes for other than the mentally ill, as regulated in Section 4.9.

Section 4.2. Conditional Uses. Subject to the provisions of Section 7.9d, the conditional uses as specified and regulated in Sections 4.3 and 4.4 may be permitted in an R District with the approval of the Board.

Section 4.3. Golf Club, Private. A private golf club may be established and operated but subject to the following conditions:

- a. Minimum Lot Area. There shall be provided a minimum lot area of eighty (80) acres for a 9-hole and one hundred and sixty (160) acres for an 18-hole golf course.
- b. Off-Street Parking. Except as otherwise provided in this paragraph, off-street parking spaces shall be provided in accordance with the requirements of Sections 6.1 through 6.11.

Accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphalt, concrete, asphalt, crushed slag or washed gravel, or similar surfacing material, and maintained in good condition and free of debris and trash.

The driveways used to provide accessibility to the club shall be so located and arranged to minimize traffic congestion. Therefore,

1. The center line of such driveway shall be at least thirty (30) feet from the right-of-way line of any

intersecting street where the driveways and intersecting street are on the same side of a street.

2. The minimum width of such driveway shall be twenty-four (24) feet and the maximum width shall be thirty (30) feet measured at right angles to the angle of the driveway entrance. Such driveway shall have an apron of six (6) feet radius at the curb to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.
 3. The driveways from the highway to the club house or parking area shall be surfaced with concrete, asphaltic concrete or asphalt.
- c. Fencing. The entire premises upon which such club is located shall be fenced on the lot lines by suitable wire fencing.
 - d. Modification of Screening and Fencing by Board. The Board may modify the provisions of Section 6.11 and paragraph c in those cases where there is no development of uses permitted in an R District that immediately adjoins such club. However, the required screening and fencing shall be installed by the golf club at the time development of the R District uses takes place.
 - e. Signs. One business sign may be permitted which shall not exceed ten (10) square feet in area and shall be located at least twenty-five (25) feet from any lot line

or street right-of-way line. Such sign may be lighted by continuous reflected illumination only and so erected that the light source is not visible from outside the premises, and that no glare is projected on to adjoining properties or streets.

f. Accessory Facilities. Accessory recreation facilities may be permitted, but shall be limited in size so that they do not become the principal use of the premises.

Therefore,

1. An accessory swimming pool shall not exceed one thousand, five hundred (1500) square feet in area, and an accessory wading pool five hundred (500) square feet in area. All pools shall be completely enclosed with a woven wire fence at least four (4) feet high.
2. Tennis facilities shall not exceed ten thousand (10,000) square feet in area.
3. There shall be no picnics or picnicking facilities.
4. A club house, maintenance buildings and sheds and shelters may be permitted. Retail sales and services may be permitted but shall be limited to members only. Such sales and services may include a restaurant, snack bar, and the sale and repair of athletic equipment associated with the golf club.

- g. Dwellings to Conform. No building shall be used as a dwelling that does not conform completely to the requirements of the Zoning Resolution.
- h. Distance From Lot Lines. All buildings, structures, edges of fairways and outdoor activities shall be at least one hundred (100) feet from all lot lines. The Board may modify this provision in cases of unnecessary hardship or to insure a more appropriate site layout, but in no case less than seventy-five (75) feet from all lot lines.
- i. Membership Limit. Membership shall be limited to one thousand (1,000) members.
- j. Frontage on Thorofare. Wherever possible such club shall front upon a major thorofare as specified in the "Geauga County Thorofare Plan".
- k. Dates and Time of Operation. Such club may be open or operated from March 1 to December 1 of each year and only during the hours of 5:00 A.M. to 12:01 A.M. each day.
- l. Construction Schedule. At least the construction of the club house and the required off-street parking spaces shall be completed within two (2) years, and at least nine (9) holes of the golf course within three (3) years of the date of issuance of the conditional zoning certificate.

m. Conditional Zoning Certificate. A conditional zoning certificate shall be issued for a period not to exceed five (5) years. Application for the renewal of such certificate shall be made sixty (60) days prior to the expiration of such certificate.

1. A conditional zoning certificate shall become void upon a change of ownership or lease of the premises and shall be revoked unless a new application for such certificate is made by the new owner or lessee within fifteen (15) days of the date of transfer or lease.

2. Any failure to comply with the conditions approved by the Board for the issuance of a conditional zoning certificate shall constitute a revocation of such certificate.

Section 4.4. Memorial Park. A memorial park shall be defined as a burial place for human beings in which above-surface monuments, tombstones and grave markers are prohibited and where the natural setting of the land so developed is retained. A memorial park may be established and operated subject to the following conditions:

a. Access. Ingress and egress to and from the memorial park shall be from a major thoroughfare as shown on the official "Geauga County Thoroughfare Plan." The entrance

and exits shall be planned at places that will cause the least amount of traffic congestion and hazard. No such access point shall be located closer than one hundred twenty-five (125) feet from the intersection of two (2) or more streets. There shall be no more than two (2) access points on any one street.

The maximum width of such driveway shall be thirty (30) feet measured at right angles to the angle of the driveway entrance. Such driveway shall have an apron of six (6) feet radius at the curb, to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.

All such driveways shall be surfaced with concrete, asphaltic concrete, asphalt or similar all-weather surface and graded for proper drainage so that all water is drained within the premises and no water shall be permitted to flow on to adjoining streets or other property.

. Off-Street Parking.

1. One (1) off-street parking space shall be provided for each employee. In addition, a minimum of twenty (20) parking spaces shall be provided. The private roads within the memorial park may be used for off-street parking only if they are of sufficient width to accommodate moving traffic and parked vehicles.

2. Each off-street parking space shall have an area of not less than two hundred (200) square feet, exclusive of passageways, driveways and other maneuvering area appurtenant thereto and giving access thereto. Each such space shall have direct accessibility to a street or driveway. Where driveways are required to provide accessibility to the parking spaces, they shall have an unobstructed width of at least twenty (20) feet.
 3. Off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot and they shall be surfaced with concrete, asphaltic concrete, asphalt, crushed slag, washed gravel or similar surfacing material and maintained in good condition and free of debris or trash.
- c. Screening. Where a memorial park adjoins or faces residential buildings, a solid wall, a uniformly painted solid fence of fire resistant material, or a ten (10) foot strip of land planted with shrubs or trees which may be expected to form a year-round dense screen, shall be erected or planted and maintained along the lot line. Such wall, fences or shrubs shall be at least six (6) feet in height. However, such wall or fence shall not be more than eight (8) feet in height.

Any wall or fence, or any screening device located within twenty-five (25) feet of an intersection of two (2) or more streets or the intersection of an access driveway and a street, shall have a maximum height of three (3) feet and a minimum height of two (2) feet.

The required screening shall be maintained in good condition at all times.

No signs shall be permitted to be attached to or hung from the required screening.

The Board may modify the provisions of this paragraph c temporarily only in those cases where there is no residential development immediately adjoining such use. However, the required screening shall be installed at the time residential development takes place.

Location of Structures. Ornamental walls, fences and gates shall be erected or located at least twenty-five (25) feet from the street right-of-way line and may be located on the side or rear lot lines. Mausoleums and other structures shall be erected or located at least one hundred fifty (150) feet from all lot lines.

Corner Sight Clearance. On every corner lot within the triangle formed by the street lines on such lot and a line drawn between two (2) points, each twenty (20) feet from the point of intersection of such street lines, there shall be no fence or wall higher than

three (3) feet, nor any other obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the established grade of either street.

- f. Maximum Height of Structures. The height of any structure shall not exceed twenty (20) feet, measured from the average finished grade level at the building line to, in the case of flat roofs, the highest point on the roof, or, in the case of a pitched roof, to the mean level between the eaves and the highest point of the roof.
- g. Lighting. All lighting fixtures and devices shall be so designed and constructed to prevent the emission of light upon adjoining lots or streets, and shall be provided from a concealed light source only. Flashing lights shall be prohibited.
- h. Site Plan. The applicant shall furnish the Board with
1. A site plan indicating the location, size and height of all buildings and structures, including fences, walls, gates and signs.
 2. Architectural plans for all proposed buildings and structures.
 3. Landscaping plans for the premises upon which the buildings and structures are to be located. These plans shall indicate the planting treatment proposed.

at the boundary of the memorial park and the planting treatment between the parking lanes. This plan shall also show the design features and layout of the land to be used for off-street parking, the type of pavement to be used, the type of lighting fixtures proposed, and a grading and drainage plan for the memorial park.

4. A proposed system of vehicular traffic circulation within the memorial park, access points from adjoining streets, and estimates of traffic volumes for the proposed memorial park.

. Fiscal Plan. Neglected memorial parks become township-wide problems and nuisances. Therefore, to preserve the Township's tax base and the general welfare of its people, the applicant shall furnish the Board with a fiscal plan which documents the applicant's financial responsibility to insure the maintenance of the memorial park. Toward this end, the Board may require the establishment of a perpetual care trust fund having sufficient capital to insure proper maintenance.

. Conditional Zoning Certificate. A conditional zoning certificate shall be issued for a period not to exceed five (5) years. Application for the renewal of such certificate shall be made sixty (60) days prior to the expiration of such certificate.

A conditional zoning certificate shall become void upon a change of ownership or lease of the premises, and shall be revoked unless a new application for such certificate is made by the new owner or lessee within fifteen (15) days of the date of transfer or lease.

- k. Revocation of Zoning Certificate. Any failure to comply with the conditions approved by the Board for the issuance of a conditional zoning certificate shall constitute a revocation of such certificate.

Section 4.5. Sign Regulations. Except as otherwise specifically provided, the following signs are permitted in an R District, but only in accordance with the regulations set forth in this Section:

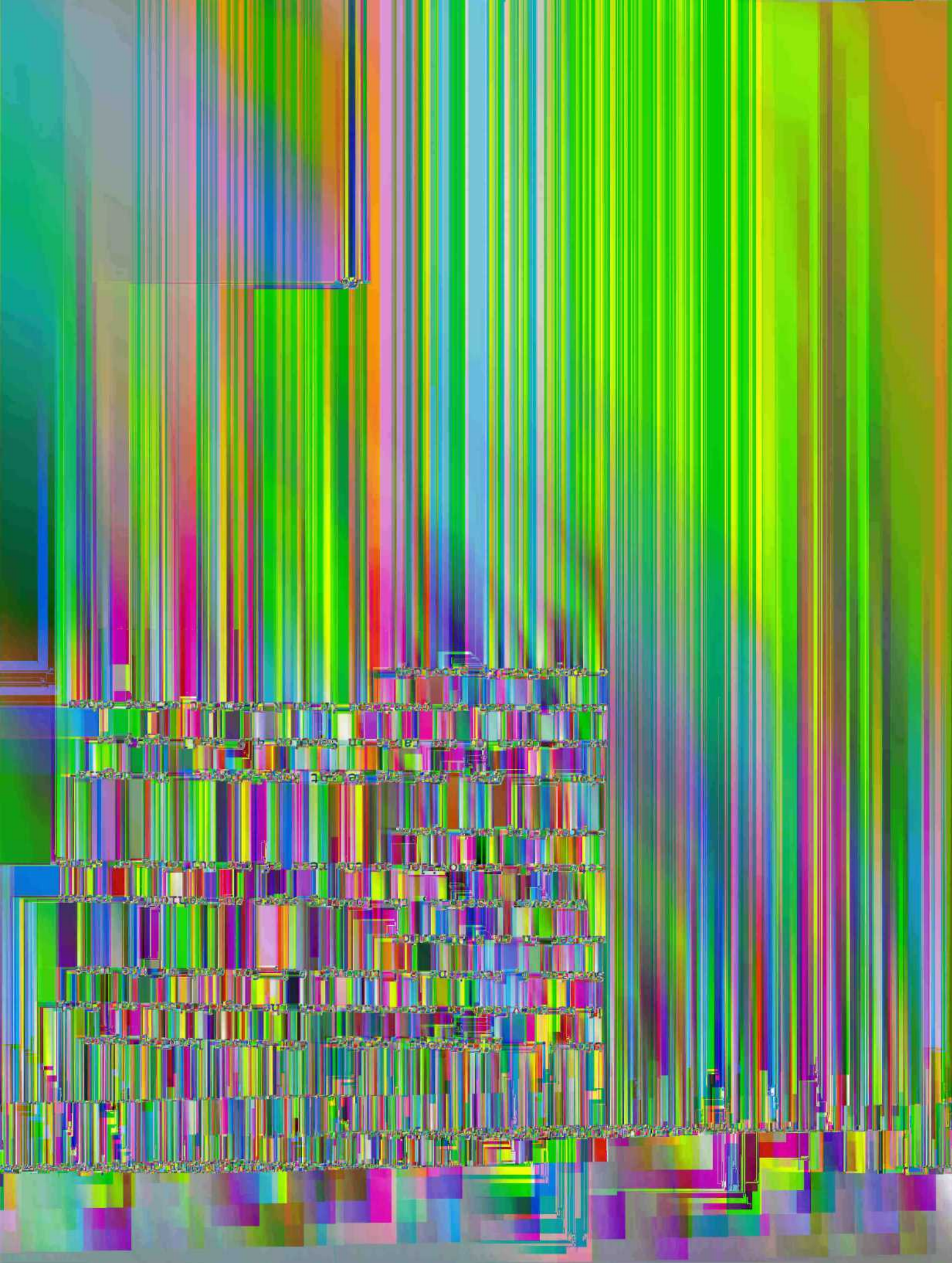
- a. Number of Signs. Only one (1) sign shall be permitted for each use or building. A building or use located on a corner lot or through lot shall be permitted one (1) sign on each street.
- b. Type and Size of Sign:
 - 1. For residential buildings a sign not exceeding three (3) square feet in area is permitted on which may be displayed the name and address of a building, the name of an occupant thereof, and the practice of a profession or home occupation therein.
 - 2. A sign accessory to a roadside stand as permitted in Section 4.1 not exceeding eighteen (18) square feet in area is permitted.

3. A sign not exceeding twelve (12) square feet in area for each, denoting the architect, engineer or contractor, is permitted, but only during the period of construction.
4. For all other uses permitted in an R District, and for a legal non-conforming use, a free-standing sign indicating the name and address of a building or use and not exceeding twelve (12) square feet in area is permitted. Where such sign is attached to a building, it shall not exceed twenty-five (25) square feet in area.
5. A "for sale" or "for rent" business sign not exceeding twelve (12) square feet in area is permitted.
6. A temporary sign advertising a model home, the sale of lots, or the sale or rental of dwellings within a subdivision and not exceeding twenty-five (25) square feet in area is permitted. Only one such sign shall be permitted for each seven hundred and fifty (750) feet of street frontage. Such sign shall be removed or zoning permit renewed not later than one (1) year after the date it is erected.
7. Flashing signs, intermittent illumination, revolving signs or animated representation on a sign shall not be permitted.

- c. Location of Signs. All signs permitted in an R District
1. Shall be located at least twenty-five (25) feet from any lot line and street right-of-way lines except for signs permitted by paragraph b.1. of this section.
 2. Shall not project more than one (1) foot in any direction if attached to a building;
 3. Shall not extend more than twenty (20) feet above the average finished grade level, and the bottom of all signs shall be at least six (6) feet above the average finished grade level if located at least twenty-five (25) feet from any lot line or street right-of-way line, and at least three (3) feet above such grade level if otherwise located.
- d. Illumination. All signs permitted in an R District must be lighted by continuous illumination only, and so erected that the light source is not visible from outside the premises, and that no glare is projected on to adjoining properties or streets.

Section 4.6. Off-Street Parking. Off-street parking spaces shall be provided in accordance with the regulations set forth in Section 6, Sections 6.4 through 6.11, for each of the uses permitted in an R District.

Only one (1) commercial vehicle other than a private passenger automobile that is used in connection with a permitted



Section 4.9. Dimensional Requirements in an R District (Table)

R District Uses	Minimum Lot Area *	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Minimum Building Size Per Dwelling Unit		Maximum Height
						Number of Bedrooms	Floor Area (Square Feet)	
1-Family Dwelling	1-1/2 Acres	150 feet	Lots on Ward Drive between Mayfield Road and Maple Dr; and on Opalocka Drive between Mayfield Rd and Cottrell Rd; 40 feet from right-of-way.	2 required:	Lots with 1-1/2 acres or more of lot area: 50 feet	0-2	1,150	None
2-Family Dwelling	3 Acres	300 feet	All other lots: 70 feet from right-of-way or 100 feet from center line, whichever is greater.	Lots less than 150 feet in width: 15 feet each Lots on Opalocka Dr.: 8 feet each Corner Lots: 150' or more in width or same as front yard on side street. All other lots: 25 feet each.	All other lots: 30 feet	3	1,300	None
						4	1,450	
						5 or more	1,600	
All other uses	None	None				None		None
Accessory Buildings	(See Section 3.8)			20 feet from any dwelling	20 feet from any dwelling	None		None
Rear Houses	(See Section 4.10)							None
Hospitals Sanitariums	5	500	100	100	100			None

ction 4.10. Rear Houses. Any one- or two-family dwelling that does not have frontage upon a public street shall provide permanent easement for access over an unoccupied strip of land at least sixty (60) feet in width. Such strip of land shall not be used in computing required lot width, yards, or lot area. Such easement shall be executed according to the requirements provided by law for deeds and shall be filed with the Geauga County Recorder.

All such residence buildings shall conform in every other respect to the requirements of this Resolution.

No zoning certificate shall be issued until a site plan, drawn to scale, is submitted and approved by the Commission. Such plan shall show complete compliance with the provisions of this Resolution.

ction 4.11. Corner Sight Clearance. On every corner lot within the triangle formed by the street lines on such lot and a line drawn between two (2) points, each twenty (20) feet from the point of intersection of such street lines, there shall be no fence or wall higher than three (3) feet, nor any other obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the established grade of either street.

Section 4.110. R-2 Multi-Family District. Subject to the provisions of Section 3, the following regulations shall apply in an R-2 District:

Section 4.111. Permitted Uses. Only the following uses shall be permitted in an R-2 District provided such uses do not endanger or create any danger to health and safety in the surrounding area, and do not create any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants, or other objectionable influences:

- One-family dwellings plus (2) two roomers.
- Two family dwellings plus (2) two roomers per family.
- Multi-family dwellings.
- Places of worship.
- Schools.
- Libraries.
- Museums.
- Publicly owned parks, publicly owned playgrounds and other publicly owned recreation facilities.
- Public utilities.
- Township and other governmental buildings.
- Agriculture.
- Roadside stands constructed of removable members for the display and sale of farm products produced in Chester Township. Such stands shall be at least fifteen (15) feet from the street right-of-way line and shall maintain adequate off-street parking spaces for customers' vehicles.
- Hospitals and sanitariums for other than the mentally ill, as regulated in Section 4.117.
- Rest, nursing or convalescent homes, as regulated in Section 4.117.
- Institutions for the aged and for children that are not penal or correctional institutions, as regulated in Section 4.117.
- Day nurseries, as regulated in Section 4.117.
- Accessory uses.
- Signs, as regulated in Section 4.113

Section 4.112. Conditional Uses. Subject to the provisions of Section 7.9d, the conditional uses as specified and regulated in Sections 4.3 and 4.4 may be permitted in an R-2 District with approval of the Board.

each seven hundred and fifty (750) feet of street frontage. Such sign shall be removed or permit renewed not later than one (1) year after the date it is erected.

7. Flashing signs, intermittent illumination, revolving signs or animated representation on a sign shall not be permitted.

c. Location of Signs. All signs permitted in an R-2 District,

1. Shall be located at least twenty-five (25) feet from any lot line and street right-of-way lines except for signs permitted by paragraph b.1. of this Section.
2. Shall not project more than one (1) foot in any direction if attached to a building.
3. Shall not extend more than twenty (20) feet above the average finished grade level, and the bottom of all signs shall be at least six (6) feet above the average finished grade level if located at least twenty-five (25) feet from any lot line or street right-of-way line, and at least three (3) feet above such grade level if otherwise located.

d. Illumination. All signs permitted in an R-2 District may be lighted by continuous illumination only, and so erected that the light source is not visible from outside the premises, and that no glare is projected on to adjoining properties or streets.

Section 4.114. Off-Street Parking. Off-street parking spaces shall be provided in accordance with the regulations set forth in Section 6, Sections 6.4 through 6.11, for each of the uses permitted in an R-2 District.

Only one (1) commercial vehicle other than a private passenger automobile that is used in connection with a permitted use or by an occupant of a permitted use, may be stored on a lot in an R-2 District. This provision shall not apply to land in agricultural use.

Section 4.115. Off-Street Loading. Off-street loading space shall be provided in accordance with the regulations set forth in Section 6, Sections 6.1 through 6.3, for each of the uses permitted in an R-2 District.

Wherever possible, the loading space and vehicular access thereto shall be provided at the rear of the building structure providing such space.

Section 4.116. Area, Yard and Height Regulations. The regulations set forth in the table in Section 4.117 shall apply as indicated to all uses permitted in an R-2 District unless otherwise specifically provided.

SECTION 4.117. DIMENSIONAL REQUIREMENTS IN AN R-2 DISTRICT (Table)

R-2 District Uses	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Space Between Buildings	Minimum Building Size	Maximum Height	
Uses Permitted in an R-1 District	(See Section 4.9)								
Multi-Family Dwellings	10,000 square feet per dwelling unit	300 feet	For lots on Mayfield Rd: 145 feet from center line; for all other lots: 100 feet from right-of-way line	2 Required: 35 feet each except as noted in Section 4.27. Corner lots: same as front yard on side street	50 feet	See Section 4.118	720 square feet of habitable floor area per dwelling unit.	35 feet except as noted in Section 4.27	
Hospital/Sanitariums	5 acres	500 feet		2 Required: 100 feet each. Corner lots: Same as front yard on side street	100 feet				None
Rest Homes, Nursing Homes, Convalescent Homes, Institutions for the Aged and Children	5 acres	500 feet		2 Required: 75 feet each. Corner Lots: same as front yard on side street	75 feet				
Day Nurseries	3 acres for each 15 children in attendance	300 feet							
All other uses	None	None							
Accessory Buildings	See Section 3.8			20 feet from any dwelling	20 feet from any dwelling				

tion 4.118. Spacing Between Buildings on the Same Lot. The following required spacing between residential buildings on the same lot shall be measured perpendicularly from any exterior wall exposing windows or an entrance way; it does not apply in corner-to-corner placement of buildings where perpendicular wall exposures do not overlap:

- a. A building wall exposing both windows and an entrance way shall be located no closer to another building than fifty (50) feet.
- b. A building wall exposing only windows or only an entrance way shall be located no closer to another building than fifty (50) feet.
- c. A building group may not be so arranged that any temporarily or permanently inhabited building is inaccessible by emergency vehicles.
- d. In buildings containing multiple dwelling units, walls containing main window exposures or main entrances shall be so oriented as to insure adequate light and air exposure; shall be so arranged as to avoid undue exposure to nearby through traffic ways or undue exposure to concentrated loading or parking facilities; shall be so oriented as to preserve visual and audible privacy as between adjacent buildings.

tion 4.119. Rear Houses. Any one or two-family dwelling that does not have frontage upon a public street shall provide permanent easement for access over an unoccupied strip of land at least sixty (60) feet in width. Such strip of land shall not be used in computing required lot width, yards or lot area. This easement shall be executed according to the requirements provided by law for deeds and shall be filed with the Geauga County Recorder.

All such residence buildings shall conform in every other respect to the requirements of this Resolution.

No zoning certificate shall be issued until a site plan, drawn to scale, is submitted and approved by the Commission. This plan shall show complete compliance with the provisions of this Resolution.

Section 4.120. Corner Sight Clearance. On every corner 1 within the triangle formed by the street lines on such lot and a line drawn between two (2) points, each twenty (20) feet from the point of intersection of such street lines, there shall be no fence or wall higher than three (3) feet nor any other obstruction to vision between a height of th (3) feet and a height of ten (10) feet above the establish grade of either street.

ion 4.20. C-General Commercial District. Subject to the provisions of Section 3, the following regulations shall apply to C District:

ion 4.21. Permitted Uses. Only the following uses shall be permitted in a C District provided that such uses do not create or create any danger to health and safety in the area, do not create any offensive noise, vibration, smoke, dust, glare, flame, air pollutants or other objectionable influences:

Uses permitted and as regulated by Sections 4.1 through 4.11 and Sections 4.111 through 4.120

The following retail establishments, provided that all products for sale or rent, or manufactured on the premises shall be sold or rented on the premises directly to the consumer:

- Antique shops.
- Artists' supply stores.
- Automobile supply stores, with no installation or repair.
- Bakeries.
- Book, newspaper and record shops.
- Clothing and apparel stores.
- Drapery and fabric stores.
- Drugstores.
- Florist shops.
- Food and beverage stores, such as supermarkets, grocery stores, meat markets and delicatessens.
- Furniture, household goods and appliance stores.
- Gift and stationery stores.
- Hardware and paint stores.

Luggage and leather goods stores.
Lunchrooms, restaurants and cafeterias.
Music and musical instrument stores.
Office supply stores.
Photographic supply stores.
Places of entertainment.
Plumbing and heating supplies, sales only.
Seed or garden supply stores.
Sporting goods stores.
Tobacco stores.
Toy stores.
Variety stores.

c. The following service establishments, dealing directly with the consumer on the premises:

Archery and golf driving ranges, provided that (1) fencing is erected and maintained along the side and rear lot lines, (2) a strip of land at least ten (10) feet wide, densely planted with shrubs or trees that form a de year-round screen shall be maintained along each side of the lot adjoining a street and located at least twenty (20) feet from the right-of-way lines, and (3) if lighting is provided, all lighting fixtures and devices shall be so designed and constructed to prevent the emission of light upon adjoining lots or streets and shall be provided from a concealed light source only. Flashing lights be prohibited.

Automobile laundries.
Automobile sales rooms.
Banks and other lending institutions.
Barber shops.
Beauty parlors.
Boarding, rooming and tourist homes.
Bowling alleys.
Caterers.
Commercial parking garages and parking lots.
Commercial schools, such as dancing, business trade or vocational.
Clinics.
Dry cleaning and clothes pressing, provided that (1) such establishments do not service other retail outlets, and (2) no inflammable, toxic or odorous cleaning agents are used.
Frozen food lockers.
Funeral homes.

Gasoline filling stations, provided that

(1) all gasoline storage tanks are completely underground, (2) all pump islands, pumps and other structures except signs, are located at least twenty (20) feet from all street right-of-way lines, and (3) lubrication, washing, and other incidental servicing of motor vehicles and all supply storage is completely within an enclosed building.

Greenhouses.

Hotels and motels provided that each living unit shall have a minimum habitable floor area of one hundred ninety-two (192) square feet.

Household appliances, service and repair.

Indoor theatres.

Interior decorators.

Laundry and dry cleaning pick-up stores.

Lending libraries.

Locksmiths.

Lodges and meeting halls.

Medical and orthopedic appliance stores.

Offices - professional, business and philanthropic.

Photographic studios.

Picture framing shops.

Portable equipment, repair and service.

Self-service laundries.

Shoe and hat repair.

Signs, as permitted and regulated in Section 4.22.

Skating rinks.

Tailor and furrier.

Travel bureaus.

Used car lots, provided that

(1) all lighting fixtures and devices shall be so designed and constructed to prevent the emission of light upon adjoining lots or streets. When provided, illumination shall be provided from a concealed light source only. Flashing lights shall be prohibited;

(2) the premises used for the parking and storage of automobiles, including driveways, shall be properly graded for drainage so that all water is drained within the premises, and no water shall be permitted to flow on to adjoining streets or other property. Such premises shall be surfaced with concrete, asphaltic concrete, asphalt, or similar all-weather surface, and maintained in good condition and free of debris and trash;

(3) the driveway used to provide accessibility to the premises shall be so located and arranged to minimize traffic congestion. Therefore:

- (a) Not more than two (2) such driveways shall be permitted.
- (b) The center line of each such driveway shall be at least fifty (50) feet from the right-of-way line of any intersecting street on the same side of a street.
- (c) The maximum width of each such driveway shall be thirty (30) feet measured at right angles to the angle of the driveway entrance. Each such driveway shall have an apron of six (6) feet radius at the curb, to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic; and
- (4) structurally sound wheel or bumper guards shall be provided and so located that no part of a car or stored automobile shall extend into a required yard area.

Section 4.22. Sign Regulations. Except as otherwise specifically provided, the following signs are permitted in a C District, but only in accordance with the regulations set forth in this Section.

a. R District Signs. All signs permitted and as regulated by Section 4.5 and 4.113.

b. Number of Signs. Three (3) business signs shall be permitted for each use or building.

c. Type and Size of Sign.

1. One (1) business sign not exceeding eighteen (18) square feet in area. The minimum height of the bottom of such sign shall be eight (8) feet measured from the existing grade level.

2. One (1) accessory business sign not exceeding five (5) square feet in area. The minimum height of the bottom of such sign shall be eight (8) feet measured from the sidewalk or grade level.

One (1) delivery identification sign for each use or building. Such sign shall not exceed four (4) square feet in area and may be affixed to the rear of the building only. Flashing signs, intermittent illumination, revolving signs, or animated representation on a sign shall not be permitted.

ion of Signs. Except as otherwise specifically provided sections 4.5 and 4.113 (R District Signs) all signs permitted C District

Shall be located at least twenty-five (25) feet from any lot line and street right-of-way lines if a business sign. A permitted advertising sign shall be located behind the building line (front yard), and at least one hundred fifty (150) feet from the intersection of two (2) or more streets measured from the right-of-way lines; Shall not project more than three (3) feet in any direction if attached to a permitted building or structure; Shall not extend more than twenty (20) feet above the average finished grade level.

ination. All signs permitted in a C District may be used by continuous illumination only and so erected that light source is not visible from outside the premises, so that no glare is projected on to adjoining properties streets.

Section 4.23. Off-Street Parking. Off-street parking shall be provided in accordance with the regulations set forth in Section 6, Sections 6.4 through 6.11, for each of the uses permitted in a C District.

Section 4.24. Off-Street Loading. Off-street loading shall be provided in accordance with the regulations set forth in Section 6, Sections 6.1 through 6.3, for each of the uses permitted in a C District. Wherever possible, the loading space and vehicular access thereto, shall be provided at the rear of the building or structure providing such space.

Section 4.25. Area, Yard and Height Regulations. The regulations set forth in the table in Section 4.26 shall apply to each use indicated to each use permitted in a C District unless otherwise specifically provided.

SECTION 4.26. DIMENSIONAL REQUIREMENTS IN A C DISTRICT (Table).

C District Uses	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Yards Adjoining R District	Space Between Buildings	Minimum Building Size	Maximum Height
Uses Permitted in an R District	(See Section 4.9)								
Multi-Family Dwellings Uses Permitted in an R 2 District	10,000 square feet per dwelling unit See Section 4.117	300 feet	For lots on Mayfield Rd: 145 feet from center line.	2 Required: 35 feet each Corner Lots: Same as front yard on side street.	50 feet	See Section 4.27	See Section 4.28	720 square feet of habitable floor area per dwelling unit.	35 feet
All other Uses Permitted in a C District	None	None	For all other lots: 70 feet from right-of-way or 100 feet from center line, whichever is greater.	For interior lots: None. Corner Lots: Same as front yard on side street.				1,000 square feet of usable ground floor area.	

Section 4.27. Yards Adjoining an R District. Where the boundary line of a C District adjoins the boundary line of an R District, the side or rear yard, as the case may be, shall be fifty feet. A solid wall or uniformly painted fence of fire resistant material, or a strip of land at least four (4) feet wide and densely planted with shrubs or trees which may be expected to form a year-round dense screen, shall be erected or planted and maintained along such boundary line. Such wall or fence shall be at least five (5) feet but not more than six (6) feet in height, except as provided in Section 4.30 (Corner Sight Triangle Clearance).

The Board may modify this provision temporarily in those cases where there is no residential development immediately adjoining the C District, thus making it unreasonable to comply with this provision.

The required screening shall be maintained in good condition at all times.

Section 4.28. Spacing Between Buildings on the Same Lot. The following required spacing between residential buildings on the same lot shall be measured perpendicularly from any exterior wall exposing windows or an entrance way; it does not apply to corner-to-corner placement of buildings where perpendicularly wall exposures do not overlap:

- a. A building wall exposing both windows and an entrance shall be located no closer to another building than (50) feet.

A building wall exposing only windows or only an entrance way shall be located no closer to another building than fifty (50) feet.

A building group may not be so arranged that any temporarily or permanently inhabited building is inaccessible by emergency vehicles.

In buildings containing multiple dwelling units, walls containing main window exposures or main entrances shall be so oriented as to insure adequate light and air exposure; shall be so arranged as to avoid undue exposure to nearby through traffic ways or undue exposure to concentrated loading or parking facilities; shall be so oriented as to preserve visual and audible privacy as between adjacent buildings.

ion 4.29. Rear Houses. Any one- or two-family dwelling does not have frontage upon a public street shall provide permanent easement for access over an unoccupied strip of at least sixty (60) feet in width. Such strip of land shall not be used in computing required lot width, yards or area. Such easement shall be executed according to the requirements provided by law for deeds and shall be filed with the Geauga County Recorder.

All such residence buildings shall conform in every other respect to the requirements of this Resolution.

No zoning certificate shall be issued until a site drawn to scale, is submitted and approved by the Commission. Such plan shall show complete compliance with the provisions of this Resolution.

Section 4.30. Corner Sight Clearance. On every corner within the triangle formed by the street lines on such lot and a line drawn between two (2) points, each twenty (20) feet from the point of intersection of such street lines there shall be no fence or wall higher than three (3) feet nor any other obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the established grade of either street.

ion 4.40. S. C. - Shopping Center District. Subject to provisions of Section 3, the following regulations shall apply in an S. C. District:

ion 4.41. Purpose, Intent and Definition. Shopping Center districts are established and shall consist of separate areas of not less than five (5) acres each, within which retail establishments may be grouped together in accordance with a development plan in order to serve the community as a center of retail sales, personal services, and professional and commercial offices. In order to accomplish this purpose, inappropriate, incompatible, or harmful uses of the land are prohibited. It is essential that such districts and adjoining districts be protected from the harmful effects of traffic congestion. To this end, the intensity of land use is limited and off-street parking, off-street loading, and motor vehicle access points are regulated.

ion 4.42. Approval of Plans. In order to carry out the purposes set forth in Section 4.41, a zoning certificate shall not be issued until the Commission has approved the plans for development of a shopping center. The development plans shall include:

A site plan indicating the location, size, and height of all buildings and structures.

Architectural plans for all proposed buildings and structures.

- c. Landscaping plans for the premises upon which the buildings and structures are to be located. These plans indicate the planting treatment proposed at the boundary of the Shopping Center District and the planting treatment between the parking lanes. This plan shall also show the design features and layout of the land to be used for off-street parking, the type of pavement to be used, the type of lighting fixtures proposed, and a grading and drainage plan for the shopping center.
- d. A proposed system of vehicular traffic circulation within the center, access points from adjoining streets, and estimates of traffic volumes for the proposed center.

Section 4.43. Standards. In making its determinations, the Commission shall require conformance with the requirements of this Resolution. The Commission shall be satisfied that the proposed development plans will provide maximum safety to the users of the shopping center as well as those using the adjoining streets, and further, that any adjoining residential developed land will be adequately protected from the nuisances inherent in a shopping center.

In its review of the required plans set forth in Section 4.42, the Commission shall examine the architectural design of the exterior surface treatment, the arrangement and location of the buildings and structures on the site in question.

neir relationship to other buildings and structures with-
nd in the adjoining Districts, and all other factors that
at the functions and appearance of the District. The
scaping to be provided should blend with landscaping with-
ne District.

The Commission shall endeavor to assure that the site
, the architectural plan, and the landscaping plan will
enhance the attractiveness and desirability of the District
eeping with its purpose and intent, (2) encourage the or-
y and harmonious development of the District, (3) improve
ential amenities in any adjoining residential neighbor-
, and (4) enhance and protect the public and private in-
ment and the value of all land and improvements within
adjoining district.

In the performance of its duties the Commission shall not
mpt to prescribe the style of architecture so long as the
itectural style and design under consideration meet the
iards set forth above.

ion 4.44. Permitted Uses. Only the following uses shall
ermitted in an S. C. District provided such uses do not
or create any danger to health and safety in the surround-
area, and do not create any offensive noise, vibration,
e, dust, heat, glare, flame, air pollutants or other ob-
ionable influences:

- a. The following retail sales of merchandise, provided all products for sale or rent or made on the premises be sold or rented on the premises directly to the consumer:

- Antique shops.
- Clothing and apparel shops.
- Drapery and fabric stores.
- Artists' supply stores.
- Food and beverage stores.
- Book, newspaper and record stores.
- Office supply stores.
- Variety stores.
- Department stores.
- Hardware and paint stores.
- Furniture, household goods and appliance stores.
- Photographic supply stores.
- Florist shops.
- Seed and garden supply stores.
- Gift and stationery stores.
- Jewelry stores.
- Toy stores.
- Drug stores.
- Sporting goods stores.
- Music and musical instrument stores.
- Tobacco stores.
- Bakeries.

- b. The following service establishments, dealing directly with the consumer:

- Barber shops.
- Beauty parlors.
- Banks and other lending institutions.
- Laundry and dry cleaning pick-up stores.
- Dry cleaning and clothes pressing, provided that, (1) such establishments do not serve other retail outlets, and (2) no inflammable, toxic or odorous cleaning agents are used.
- Tailor, dressmaker and furrier shops.
- Interior decorator shops.
- Frozen food lockers.
- Jewelry, clock and watch repair shops.
- Shoe repair shops.
- Self-service laundries.
- Household appliance, service and repair shops.
- Commercial schools, dancing, business, trade or vocational.

One (1) illuminated, non-flashing and non-animating sign, on which sign is displayed the name of the parking center, may be located within a required yard setback area with the approval of the Commission. However, the Commission shall not permit the location of such sign within twenty-five (25) feet of a lot line or street right-of-way line.

No other sign shall be located in any required yard or setback area.

3. Design Standards. Except as otherwise specifically provided in paragraphs 1 and 2 above, the subject of any sign shall be limited to the name of the establishment or the name of the operator or proprietor of the establishment, or a description or enumeration of the merchandise sold or the services rendered. Flashing signs, intermittent illumination, revolving signs, or animated representation on a sign shall not be permitted.

Section 4.45. Off-Street Parking. All off-street parking spaces shall be provided on the premises and within four hundred (400) feet of the main buildings as follows:

- Indoor Theaters - One (1) space for each two (2) seats
- Bowling Alleys - Five (5) spaces for each alley plus one (1) space for each two (2) employees.
- Restaurants - One (1) space for each two (2) seats seating capacity.
- Medical and Dental Offices - Five (5) spaces for each physician or dentist plus one (1) space for each two (2) employees.

Other Retail - Six (6) spaces for each one thousand (1,000) square feet of gross floor area.
& Service
Establishments

Size of Space. Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of passageways, driveways and other maneuvering area appurtenant thereto and giving access thereto. Each such space shall have direct accessibility to a street or driveway. Where driveways are required to provide accessibility to the parking spaces, they shall have an unobstructed width of at least twenty (20) feet.

Surfacing. The off-street parking spaces, maneuvering areas, and access driveways shall be surfaced with a concrete, asphaltic concrete, asphalt, or similar all-weather surface, and graded for proper drainage so that all water is drained within the premises and no water shall be permitted to flow on to adjoining streets or other property.

Location of Parking Spaces. Off-street parking spaces shall not be permitted within twenty-five (25) feet of the street right-of-way line, nor within twenty-five (25) feet of the boundary of an R District.

Access. The entrance and exits to a shopping center development shall be planned at places that will cause the least amount of traffic congestion. No such access point shall be located closer than one hundred and twenty-five (125) feet from the intersection of two (2) or more

streets. There shall be no more than two (2) access points on any one street.

The maximum width of such driveway shall be thirty feet measured at right angles to the angle of the driveway entrance. Such driveway shall have an apron of (6) feet radius at the curb, to provide a means for vehicles to enter and leave the parking facilities without obstructing traffic.

- e. Lighting. All lighting fixtures and devices shall be designed and constructed to prevent the emission of light upon adjoining lots or streets, and shall be provided as a concealed light source only. Flashing lights shall be prohibited.

Section 4.46. Off-Street Loading. There shall be provided suitable off-street facilities for the loading and unloading of trucks and other motor freight vehicles. Such facilities shall provide at least one (1) unloading dock for each ten thousand (10,000) square feet, or fraction thereof, of floor space devoted to retail sales use, and at least one (1) loading dock for each forty thousand (40,000) square feet of floor space devoted to other uses, and at least one (1) loading dock for each separate unit. No such loading facilities shall be placed in any setback area or side yard. The design of all loading and unloading facilities shall be approved by the Commission and shall be subject to the following regulations:

No motor vehicle or conveyance shall in any manner use public streets, sidewalks, or rights-of-way for loading or unloading operations except as a means for ingress or egress to the lot. Wherever possible, the loading space and vehicular access thereto shall be provided at the rear of the building or structure providing such space.

The area of the lot required to be used for loading or unloading operations shall be surfaced with a concrete, asphaltic concrete, asphalt, or similar all-weather surfact and graded for proper drainage.

The area of the lot required to be used for off-street loading docks shall not be used to compute the amount of area required for off-street parking spaces.

ion 4.47. Area, Yard and Height Regulations. The following area, yard and height regulations shall apply in an S. C. district:

Minimum Lot Area. Every shopping center development shall have a minimum lot area of five (5) acres.

Minimum Lot Width. Every shopping center development shall have a minimum lot width on its major street frontage of five hundred (500) feet.

Minimum Front Yard. Every building, structure, and use of land on Mayfield Road (Route 322) shall have a minimum front yard of one hundred and forty-five (145) feet

measured from the center line. The minimum front yard on any other street shall be seventy (70) feet from the right-of-way line, or one hundred (100) feet from the center line, whichever is greater. However, off-street parking spaces may be located within the front yard in accordance with the provisions of Section 4.45.

- d. Minimum Side Yards. Interior side yards shall not be required except as may be necessary for driveways and access. Where a side lot line adjoins an R District shall be a side yard of at least one hundred (100) feet.

On a corner lot, the side yard along the side street shall be no less than twenty-five (25) feet from the street right-of-way line. However, off-street parking spaces may be located within the side yard in accordance with the provisions of Section 4.45.

- e. Minimum Rear Yard. Every building, structure, and use of land shall have a minimum rear yard of fifty (50) feet. Where a rear lot line adjoins an R District there shall be a rear yard of at least one hundred (100) feet. Where a rear yard adjoins a street, there shall be a minimum rear yard of fifty (50) feet. However, off-street parking spaces and off-street loading docks may be located within the rear yard in accordance with the provisions of Sections 4.45 and 4.46.

- f. Maximum Height of Building. The height of any building or structure shall not exceed thirty-five (35) feet.

on 4.48. Screening for Shopping Center. Where a shopping district adjoins or faces an R District, a solid wall, a freshly painted solid fence of fire resistant material, or a (4) foot strip of land planted with shrubs or trees which are expected to form a year-round dense screen, shall be required or planted and maintained along the lot lines. Such fence or planting shall be at least four (4) feet in width. However, such wall or fence shall not be more than six (6) feet in height.

Any screening device located within twenty-five (25) feet of the intersection of two (2) or more streets or the intersection of an access driveway and a street, shall have a maximum width of three (3) feet and a minimum height of two (2) feet. The required screening shall be maintained in good condition at least once a year.

No signs shall be permitted to be attached to or hung from the required screening.

The Board may modify this provision temporarily only in cases where there is no residential development immediately adjoining such use.

Section 4.50. I - Restricted Industrial District. Subject to the provisions of Section 3, the following regulations shall apply in an I District:

Section 4.51. Permitted Uses. Only the following uses are permitted in an I District provided that such uses do not create or create any danger to health and safety in the surrounding area, and do not create any offensive noise, vibration, dust, heat, glare, flame, air pollutants or other objectionable influences:

- A. Uses permitted by Section 4.21, paragraphs b and c.
- B. Light manufacturing and assembling of the following:

- Agricultural products.
- Canvas products, such as tents and awnings.
- Cement and cinder blocks.
- Ceramic products.
- Chemicals, compounding and packaging.
- Clay products.
- Cosmetics and toiletries.
- Electronic research and manufacturing.
- Firearms.
- Food products, except slaughtering or the preparation of fish for packaging.
- Furniture products.
- Glass and optical products from previously manufactured glass.
- Jewelry, clocks and watches.
- Luggage.
- Machine shops, excluding punch presses with a capacity of over twenty (20) tons, drop hammers and automatic screw machines.
- Office and business machines.
- Pharmaceutical products.
- Photographic equipment.
- Plastic products.
- Scientific and other precision instruments.
- Sporting goods.
- Toys and novelties.
- Venetian blinds, window shades and awnings.

. The following services:

Boat building and repair of boats less than
100 feet in length.
Building material sales.
Building trade contractors' establishments.
Cabinet and carpenter and craft shops.
Carpet cleaning establishments.
Cold storage plants.
Dry cleaning plants.
Furniture repair and upholstering shops.
Household and office equipment repair shops.
Ice storage and sales.
Laboratories, research, experimental and testing.
Laundry, linen and diaper supply establishments.
Motor vehicle and machinery repair, including body
repair and painting.
Photographic development and printing establishments.
Printing and publishing.
Saw mills.
Sign painting shops.
Wholesale businesses.

. The assembly and processing of the following:

Automobile seat covers or convertible tops.
Bottling plants.
Packing and crating establishments.
Paper products.
Silver plating, soldering or welding.
Small wood and metal products, such as radios, light-
ing fixtures and television equipment.

. The following additional uses:

Enclosed storage and warehousing.
Signs as regulated in Section 4.52.

Section 4.52. Sign Regulations. Except as otherwise specifi-
ed provided, the following signs are permitted in an I Dis-
trict, but only in accordance with the regulations set forth
in this Section:

Number of signs. Only one (1) business sign shall be
permitted for each use or building. A building or use

located on a corner lot or a through lot shall be permitted one (1) business sign on each street. Only one (1) advertising sign shall be permitted on any lot.

b. Type and Size of Sign.

1. One (1) business or advertising sign not exceeding six (6) square feet in area. The maximum height of the top of such sign shall be four (4) feet measured from the existing grade level; or
2. One (1) business or advertising sign not exceeding eighteen (18) square feet in area. The minimum height of the bottom of such sign shall be eight (8) feet measured from the existing grade level.
3. Flashing signs, intermittent illumination, revolving signs or animated representation on a sign shall not be permitted.

c. Location of Signs. Except as otherwise specifically provided, all signs permitted in an I District,

1. Shall be located at least twenty-five (25) feet from any lot line and street right-of-way lines if a business sign. A permitted advertising sign shall be located behind the building line (front yard) and at least one hundred fifty (150) feet from the intersection of two (2) or more streets:
2. Shall not project more than three (3) feet in any direction if attached to a permitted building or structure;

3. Shall not extend more than twenty (20) feet above the average finished grade level.

d. Illumination. All signs permitted in an I District may be lighted by continuous illumination only and so erected that the light source is not visible from outside the premises, and so that no glare is projected on to adjoining properties or streets.

4.53. Off-Street Parking. Off-street parking space be provided in accordance with the regulations set forth in Section 6, Sections 6.4 through 6.11, for each of the uses permitted in an I District.

4.54. Off-Street Loading. Off-street loading space be provided in accordance with the regulations set forth in Section 6, Sections 6.1 through 6.3, for each of the uses permitted in an I District. Wherever possible, the loading area and vehicular access thereto shall be provided at the rear of the building or structure providing such space.

4.55. Area, Yard and Height Regulations. The regulations set forth in the table in Section 4.56 shall apply as stated to each use permitted in an I District unless otherwise specifically provided.

SECTION 4.56. DIMENSIONAL REQUIREMENTS IN AN I DISTRICT (Table)

I District Uses	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard	Minimum Building Size	Yards Adjoining R District	Maximum Height
C District Uses permitted by Section 4.21 paragraphs b and c	None	None	For lots on Mayfield Road: 145 feet from centerline.	Interior Lots: None. Corner Lots: Same as front yard on side street.	50 feet	1000 square feet of usable ground floor area.	See Section 4.27	35 feet
All other I District Uses	None	None	For all other lots: 70 feet from right-of-way or 100 feet from centerline, whichever is greater.	2 required: 20 feet each. Corner Lots: Same as front yard on side street.	25 feet	1500 square feet of usable ground floor area.	See Section 4.56	

on 4.57. Yards Adjoining an R District. Where the boundary of an I District adjoins the boundary line of an R District, side or rear yard, as the case may be, shall be fifty (50)

A solid wall or uniformly painted fence of fire resistant material, or a strip of land at least four (4) feet wide and fully planted with shrubs or trees which may be expected to form a year-round dense screen, shall be erected or planted and maintained along such boundary line. Such wall, fence or planting shall be at least five (5) feet but not more than six (6) feet in height, except as provided in Section 4.58 (Corner Sight Clearance).

The Board may modify this provision temporarily in those cases where there is no residential development immediately adjoining the I District, thus making it unreasonable to comply with this provision.

The required screening shall be maintained in good condition at all times.

on 4.58. Corner Sight Clearance. On every corner lot within the triangle formed by the street lines on such lot and a line drawn between two (2) points, each twenty (20) feet from the point of intersection of such street lines, there shall be no fence or wall higher than three (3) feet, nor any other obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the established grade of either street.

SECTION 5

NON-CONFORMING USES

Section 5. General Application.

A non-conforming use may be continued, but a non-conforming use shall not be enlarged or extended, nor shall any structural alteration be made to any building or other structure in which such non-conforming use is conducted except as provided by this Section 5.

Section 5.1. Change of Use. A non-conforming use may be changed to any conforming use. A non-conforming use may be changed to another non-conforming use by special permission of the Board of Zoning Appeals. Such special permission may be granted only if the Board finds, after public hearing, that such changed use is of a more restricted nature than the existing non-conforming use.

Section 5.2. Discontinuance of Use. If active and continuous operations of a non-conforming use are (1) discontinued for a continuous period of two (2) years, or (2) changed to or replaced by a conforming use, the building, other structure or lot previously devoted to such non-conforming use shall thereafter be occupied and used only for a conforming use in accordance with all the use regulations of the district in which the building, other structure or lot is located. Intent to resume active operations shall not affect the foregoing.

ion 5.3. Damage and Destruction. The repair or replacement of a non-conforming use, building or structure that is damaged or destroyed shall be regulated as follows:

If a building or structure occupied by a non-conforming use is damaged or destroyed by any cause, and the cost of repair or replacement exceeds fifty (50%) percent of the replacement cost of the building or structure on the date of such damage or destruction, the right to maintain and operate such non-conforming use shall terminate immediately.

If a non-conforming building or structure is damaged or destroyed by any cause, and the cost of repair or replacement exceeds seventy-five (75%) percent of the replacement cost of the non-conforming building or structure, the right to maintain such building or structure shall terminate immediately.

If a non-conforming building or structure or a building or structure occupied by a non-conforming use becomes obsolete or substandard, as determined by any applicable provisions of the County Building Code, and the cost of bringing the building or structure into conformity with such Code exceeds fifty (50%) percent of the replacement cost of such building or structure on the date it is lawfully determined to be obsolete or substandard, the right to maintain and operate such non-conforming use shall terminate immediately.

- d. In determining the cost of repair or replacement of building or structure, the zoning inspector shall not consider the cost of the land or any items other than the building or structure itself.
- e. The repair of such obsolete or substandard building structure shall be completed within one (1) year of the date of the actual damage and destruction, or of the date such building or structure is lawfully determined to be obsolete or substandard.

Section 5.4. Extension. The Board of Zoning Appeals may, after public hearing, permit the extension of the floor area of a non-conforming use to the amount not to exceed ten (10%) percent of the floor area or land area presently in non-conforming use. Before granting such permission the Board shall find that (a) such extended non-conforming use will not be more harmful or objectionable to the surrounding area, nor impair the orderly development of the Township; (b) the extension conforms to the area, yard and height regulations of the district in which it is located, and (c) the applicable off-street parking and the off-street loading requirements are complied with for the entire use and not only the extended portion.

Section 5.5. Repairs and Structural Alterations. Nothing in this Section shall be deemed to prevent normal maintenance or repair of a building or other structure containing a non-conforming use.

structural alterations may be made to a building or other structure containing a non-conforming use as follows:

When required by law.

Pursuant to the provisions of Section 5.4.

to convert to a conforming use.

Any building or other structure containing residential non-conforming uses may be so altered as to improve interior livability. However, no structural alterations shall be made in excess of the area, height or yard regulations of the district in which such building is located.

5.6. Completion of a Non-Conforming Building or Structure.

When at the time of the passage of this Resolution, construction has begun on a non-conforming building or structure, any building or structure may be completed and used as contemplated at the time construction commenced, provided such construction is completed within one (1) year after the effective date of this Resolution.

SECTION 6

OFF-STREET LOADING AND OFF-STREET PARKING

Section 6. Off-Street Loading and Off-Street Parking Space Requirements.

Off-street loading and off-street parking spaces shall be provided in accordance with the following provisions except otherwise provided in this Resolution:

Section 6.1. Off-Street Loading for Non-Residential Buildings

For any non-residential building or structure hereafter erected with a ground floor area of more than five thousand (5,000) square feet, off-street loading space shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the lot lines of the building concerned. This Section shall not apply to agricultural buildings or structures.

Section 6.2. Use of Streets for Loading Prohibited.

No motor vehicle or conveyance shall in any manner use public streets, sidewalks or rights-of-way, for loading or unloading operations, other than for ingress or egress to or from the lot.

Section 6.3. Surfacing.

The area of the lot used for loading or unloading operations shall be surfaced with an impervious all-weather material such as concrete, asphaltic concrete, asphalt or other similar surfaced all-weather material.

6.4. Off-Street Parking Space Requirements.

Each use listed in the left hand column of this Section provide off-street parking spaces in an amount listed in corresponding right-hand column.

For the purpose of determining the amount of accessory street parking spaces required, gross floor area shall be total area of all the floors in a building or structure, including basement space used for storage or utilities, measured from the exterior faces of exterior walls:

<u>USES</u>	<u>REQUIRED SPACES</u>
<u>Residential Uses and Residential-Business Uses:</u>	
Dwellings	Two (2) for each dwelling unit.
Dormitories, Fraternity and Sorority Houses	One (1) for each four (4) beds, plus one (1) for the owner, operator or manager living on the premises, plus one (1) for each other employee expected on premises.
Hotels	One (1) for each dwelling unit, plus one (1) for each four (4) guest rooms, plus one (1) for each three (3) employees.
Motels	One (1) for each guest room, plus one (1) for each operator and one (1) for each employee.
Tourist Homes	One (1) for each guest room, plus one (1) for each two (2) employees.
Home Occupations	Four (4) for each establishment.

USES

REQUIRED SPACES

b. Schools:

1. Elementary and Junior High Schools

One (1) for each two (2) students, members and other employees. See also requirements for Auditoriums, Gymnasiums and Stadiums.

2. Senior High Schools

One (1) for each two (2) students, members and other employees plus one (1) for each twelve (12) seats in a classroom based on planned classroom capacity. See also requirements for Auditoriums, Gymnasiums and Stadiums.

3. Trade, Vocational, Business, Dancing Schools; Colleges and Universities

One (1) for each two (2) employees, plus one (1) for each eight (8) seats in a classroom based on planned classroom capacity. See also requirements for Auditoriums, Gymnasiums and Stadiums.

c. Institutional Uses:

1. Hospitals and Sanitariums

One (1) for each bed, plus one (1) for each doctor, plus one (1) for each three (3) other employees.

2. Clinics

One (1) for each one hundred (100) square feet of gross floor area.

3. Institutions for Children and the Aged, Convalescent Homes, Rest Homes, Nursing Homes, Day Nurseries.

One (1) for each staff member including doctors and nurses plus one (1) for each three (3) other employees, plus one (1) for each six (6) beds.

4. Penal and Correctional Institutions

One (1) for each three hundred (300) square feet of gross floor area.

d. Places of Public Assembly:

1. Arenas, Armories, Assembly Halls, Auditoriums, Concert Halls, Dance Halls, Exhibition Halls, Gymnasiums, and similar indoor amusement or recreation uses and Stadiums

One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.

USES

REQUIRED SPACES

ubs and Lodges including Fraternity and
rority Houses without sleeping accommo-
ations

Total parking area equal to
one-half ($\frac{1}{2}$) the gross floor
area.

olf Clubs

Eight (8) for each green.

olf Driving Ranges

Two (2) for each driving tee,
plus one (1) for each operator
and one (1) for each employee.

rchery Ranges

Two (2) for each target, plus
one (1) for each operator and
one (1) for each employee.

braries and Museums

One (1) for each employee, plus
one (1) for each two hundred
(200) square feet of gross
floor area.

aces of Worship

One (1) for each six (6) seats.

ommunity Centers

One (1) for each one hundred
fifty (150) square feet of
gross floor area, plus one (1)
for each employee.

il Sales Uses:

irs, Taverns, Restaur-
its, Luncheonettes,
ifeterias, Boarding
uses and other eat-
g places

One (1) for each employee, plus
one (1) for each one hundred
(100) square feet of floor area
devoted to patron use or one
(1) for each four (4) seats
based on maximum seating capaci-
ty, whichever is greater.

stablishments for the
ale of Boats, Farm Im-
lements, Furniture,
ymnasium Supplies,
ospital Supplies, Of-
ice Supplies, Machinery

For establishments having less
than two thousand (2,000)
square feet of gross floor
area, one (1) for each one
thousand (1,000) square feet of
gross floor area.

For establishments having two
thousand (2,000) square feet of
gross floor area or more, one
(1) for each seven hundred (700)
square feet of gross floor area.

USES

REQUIRED SPACES

3. Establishments for the sale of China, Floor Coverings, Hardware, Household Equipment, Paint, Small Appliances, Wallpaper and other retail sales items

For establishments having than two thousand (2,000) square feet of gross floor area, one (1) for each se hundred (700) square feet gross floor area.

For establishments having thousand (2,000) square f gross floor area or more, (1) for each five hundred square feet of gross floo

4. Food Stores

For establishments having than two thousand (2,000) feet of gross floor area, (1) for each five hundred square feet of gross floo

For establishments having thousand (2,000) square f gross floor area up to an cluding four thousand (4, square feet of gross floo one (1) for each three hu (300) square feet of gros floor area.

For establishments having four thousand (4,000) squ feet of gross floor area, (1) for each one hundred five (125) square feet of floor area.

5. Nurseries or Plant Husbandry, Garden Supplies, Agricultural Produce and other outdoor retail sales uses

Total parking area equal twenty-five (25%) percent the total lot area, plus (1) for each two (2) empl

6. Gasoline Service Stations

One (1) for each one hund (100) square feet of gros floor area.

7. Used Car Lots

Total parking area equiva to twenty-five (25%) perce the gross lot area.

8. Wholesale Establishments

One (1) for each one thous (1,000) square feet of gro floor area.

USESREQUIRED SPACESService Uses:

banks, Business and Professional Office Buildings

One (1) for each three hundred (300) square feet of gross floor area.

dentists, Dental Offices and Medical and Health Laboratories

Five (5) for each doctor or dentist plus one (1) additional for (1) engineer or one (1) for each one hundred (100) square feet of gross floor area, whichever is greater.

Laundries

One (1) for each fifty (50) square feet of gross floor area.

Places of Worship

Four (4) for each six hundred (600) square feet of gross floor area of assembly rooms, whichever is greater, plus one (1) for each vehicle accommodated on the premises.

Public Parks and Amusement Centers

One (1) for each five hundred (500) square feet of gross floor area.

Public Alleys

Seven (7) for each lane.

Public Theaters

One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.

Public Transportation

One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.

Public Utility Buildings

One (1) for each three hundred (300) square feet of gross floor area.

USES

REQUIRED SPAC

g. Public Service Uses:

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| 1. Police and Fire Stations, Sewage Treatment Plants, Static Transformer Stations, Telephone Exchanges, Water Filtration Plants, Water Reservoirs and other Public Utilities | Two (2) for each three employees. |
| 2. Township and other Governmental Buildings | One (1) for each three (300) square feet of g floor area. |

h. For All Uses Which Are Permitted in Industry Districts Only:

- | | |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Storage or Warehouse Uses | One (1) for each two (2) ployees expected to be premises during the lar work shift period or to parking area equivalent (10%) percent of the g floor area, whichever : |
| 2. Coal, Lumber, Contractors or other open storage uses | One (1) for each employ space equal to fifteen percent of the gross lo |
| 3. Other Permitted Industrial Uses | One (1) for each two (2) ployees expected to be premises during the lar work shift period or to parking area equivalent twenty-five (25%) perce the gross floor area, w ever is greater. |

Where there are no seats, each twenty (20) square feet of ground or floor area usable for seating shall be considered one (1) seat.

ion 6.5. Size of Space.

Each off-street parking space shall have an area of not than two hundred (200) square feet, exclusive of passage-, driveways, and other maneuvering area appurtenant thereto giving access thereto. Each such space shall have direct ssibility to a street or driveway. Where driveways are re-ed to provide accessibility to the parking spaces, they l have an unobstructed width of at least twenty (20) feet.

ion 6.6. Surfacing.

The off-street parking spaces, maneuvering areas and access ways for all uses except places of worship shall be sur-d with an impervious all-weather material such as concrete, altic concrete, asphalt or other similar hard-surfaced all-her material. For places of worship, surfacing may be ided with crushed slag, washed gravel or similar surfacing rial. Such spaces, areas and driveways shall be graded proper drainage so that all water is drained within the lot no water be permitted to flow on to adjoining streets or r property.

ion 6.7. Lighting.

Where lighting is provided for accessory off-street parking es, it shall be so designed and constructed to prevent the sion of light upon adjoining lots or streets, and shall be ided from a concealed light source only. Flashing lights l be prohibited.

Section 6.8. Apartment Facilities

6.8.01 Accessory and Ancillary shall be defined as those rooms, structures, or uses (based on the definition of "dwelling unit") that are used jointly by such units. Such rooms, structures, or uses shall be defined as accessory and ancillary if they are used primarily for the support, convenience, or enjoyment of the dwelling unit. Such rooms, structures, or uses shall be defined as accessory and ancillary if they are used primarily for the support, convenience, or enjoyment of the dwelling unit.

6.8.02 Section 6.8.01 shall be amended to read as follows: "The term 'Accessory and Ancillary' shall be defined as those rooms, structures, or uses (based on the definition of 'dwelling unit') that are used jointly by such units. Such rooms, structures, or uses shall be defined as accessory and ancillary if they are used primarily for the support, convenience, or enjoyment of the dwelling unit. Such rooms, structures, or uses shall be defined as accessory and ancillary if they are used primarily for the support, convenience, or enjoyment of the dwelling unit."

6.8.03 Section 6.8.02 shall be amended to read as follows:

6.8.03.01 Accessory and Ancillary shall be defined as those rooms, structures, or uses (based on the definition of "dwelling unit") that are used jointly by such units. Such rooms, structures, or uses shall be defined as accessory and ancillary if they are used primarily for the support, convenience, or enjoyment of the dwelling unit. Such rooms, structures, or uses shall be defined as accessory and ancillary if they are used primarily for the support, convenience, or enjoyment of the dwelling unit.

6.8.03.02 Accessory and Ancillary shall be defined as those rooms, structures, or uses (based on the definition of "dwelling unit") that are used jointly by such units. Such rooms, structures, or uses shall be defined as accessory and ancillary if they are used primarily for the support, convenience, or enjoyment of the dwelling unit. Such rooms, structures, or uses shall be defined as accessory and ancillary if they are used primarily for the support, convenience, or enjoyment of the dwelling unit.

6.8.04 Section 6.8.03 shall be amended to read as follows:

6.8.04.01 Accessory and Ancillary shall be defined as those rooms, structures, or uses (based on the definition of "dwelling unit") that are used jointly by such units. Such rooms, structures, or uses shall be defined as accessory and ancillary if they are used primarily for the support, convenience, or enjoyment of the dwelling unit. Such rooms, structures, or uses shall be defined as accessory and ancillary if they are used primarily for the support, convenience, or enjoyment of the dwelling unit.

ining lots in the residence district or a building con-
ing dwelling units, including such districts and buildings
ss a street, by an opaque wall, a uniformly painted fence
ire resistant material, or a strip of land at least four
feet wide and densely planted with shrubs that form a
e year-round screen. Such wall, fence or shrubs shall be
east four (4) feet in height. However, such wall or
e shall not be more than six (6) feet in height. Any
ening device located within twenty-five (25) feet of the
rsection of two (2) or more streets or the intersection
1 access driveway and a street, shall have a maximum
t of three (3) feet and a minimum height of two (2)

The required screening shall be maintained in good con-
on at all times.

No signs shall be permitted to be attached to or hung from
required screening.

SECTION 7

ADMINISTRATIVE PROVISIONS

Section 7. Amendments and Supplements.

Amendments or supplements to this resolution may be initiated as follows:

- a. By motion of the Commission,
- b. By resolution of the Trustees, or
- c. By application to the Commission by one or more property owners or lessees of property.

The Commission shall hold a public hearing not less than twenty (20) days nor more than forty (40) days from the date of the adoption of such a motion by the Commission, or the ratification of such a resolution by the Trustees, or the filing of such application.

Notice of the public hearing shall be given by the Commission by one (1) publication in one (1) or more newspaper of general circulation in the Township at least fifteen (15) days before the date of such hearing. Where the proposed amendment reclassifies ten (10) or less parcels of land, the Commission shall also send written notice of such hearing by first-class mail to all property owners within and contiguous and directly across the street from the area proposed to be re-zoned at addresses listed on the current County tax list or Treasurer's mailing list or other list specified by the County Commission at least twenty (20) days before the public hearing. The failure of delivery of such written notice shall not invalidate

ment or supplement. The published and mailed notice shall state the time and place of the hearing, the nature of the proposed amendment and a statement that the proposal has been referred to the County Planning Commission and will be referred to the Trustees for further determination after the conclusion of the Commission's public hearing.

Within five (5) days of the adoption of such a motion, certification of such resolution or the filing date of such application, the Commission shall send a copy thereof including the text and map of the proposed amendment to the County Planning Commission. The recommendations of the County Planning Commission shall be considered at the public hearing held by the Commission.

Within thirty (30) days after its public hearing, the Commission shall recommend approval, disapproval or approval with modification of the proposed amendment or supplement. The Commission shall submit its recommendation together with the application or resolution, the text and map pertaining thereto to the Trustees. The recommendation of the County Planning Commission to the Trustees.

Within thirty (30) days of receiving the recommendation of the Commission, the Trustees shall hold a public hearing on the proposed amendment or supplement. Notice of such public hearing shall be by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days

before such hearing. The published notice shall set for time and place of the hearing and a summary of the proposed amendment.

Within twenty (20) days of its public hearing the Trustees shall either adopt or deny, or adopt a modification of the Commission's recommendation. A unanimous vote of the Trustees shall be required to deny or modify the Commission's recommendation.

The amendment or supplement adopted by the Trustees shall become effective thirty (30) days thereafter. However, if within said period a petition is presented to the Trustees signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the amendment or supplement to the Zoning Resolution and affected by the amendment or supplement, equal to not less than eight (8%) per cent of the total vote cast for all candidates for Governor in such area at the last general gubernatorial election, requesting the Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election, the amendment or supplement shall not take effect unless a majority of the electors voting on said issue shall approve it. Such amendment or supplement shall become effective immediately after certification by the Board of Elections.

Section 7.1. Enforcement.

This Resolution shall be enforced as specified in Sections 7.2 through 7.7.

Section 7.2. Zoning Inspector.

The position of zoning inspector is hereby created. The zoning inspector and his assistants shall be appointed by the trustees who shall fix their tenure of office and compensation. The zoning inspector shall be bonded in accordance with the provisions of Section 519.161 of the Ohio Revised Code.

In addition to the duties set forth in Section 7.3 the zoning inspector shall:

- a. Advise an applicant for a zoning certificate of the decision of the Commission with respect to his application for a proposed commercial or industrial use.
- b. Keep and preserve all applications for zoning certificates.
- c. Keep and preserve a record which shall include:
 1. The date an application was received,
 2. The date it was acted upon,
 3. The action taken by the Commission, and
 4. All his proceedings as zoning inspector.
- d. Enforce the provisions of this Zoning Resolution.

Section 7.3. Zoning Certificate.

A zoning certificate shall be required before:

- a. locating, erecting, constructing, reconstructing, enlarging or structurally altering any new or existing building or structure, including accessory buildings and structures; or
- b. changing the use of any existing building or structure;
- c. changing the use of vacant land or land already in use to a different use; or
- d. operating a home occupation.

A zoning certificate shall not be required for:

- a. any building or structure incident to land used for agricultural purposes; or
- b. any building or structure used for public utility or railroad purposes.

Section 7.4. Application for Zoning Certificates.

Written applications for zoning certificates as set forth above shall be made to the zoning inspector and shall include the following information and dimensions with respect to:

- a. the size and location of the lot;
- b. the size and location of the buildings and structures proposed or existing on the lot;
- c. the location and dimensions of all proposed construction or alteration;
- d. any change in use of a building or land;
- e. the dimensions of all yards and open spaces; and
- f. any other information the Commission deems necessary for the proper enforcement of this Resolution.

Each application for a zoning certificate shall state the proposed use of a building or land complies with the provisions of this Resolution.

Upon receipt of an application for a zoning certificate involving a commercial or industrial use the zoning inspector shall recommend its acceptance or rejection to the Commission. The Commission shall authorize the issuance of a zoning certificate within twenty-one (21) calendar days of the date of application if it is satisfied that the application complies with all of the provisions of this Resolution. The zoning inspector need not submit an application for a zoning certificate involving a residential use to the Commission, except as provided in Section 4.10.

If an application is denied, the zoning inspector shall notify the applicant in writing setting forth the reasons for denial.

Section 7.5. Fees for Zoning Certificates.

The following fees shall accompany each application for a zoning certificate:

- a. For the construction of each new dwelling unit with
1,150 square feet of floor area or less, \$10.00
1,151 to 1,300 square feet of floor area, \$12.00;
1,301 to 1,450 square feet of floor area, \$15.00; and
1,451 square feet of floor area or more, \$18.00.

b. \$5.00 for the alteration or addition to each dwelling unit where the cost of such alteration or addition does not exceed an estimated cost of \$2,500.

c. \$10.00 for the alteration or addition to each dwelling unit where such alteration or addition exceeds an estimated cost of \$2,500.

For garages accessory to a dwelling unit, \$10.00

d. For the new construction or the addition or alteration of existing non-residential buildings with
1,500 square feet of floor area or less, \$15.00;
1,500 square feet of floor area or more, \$15.00, plus \$1.00 for each 100 square feet of floor area over 1,500 square feet of floor area.

e. For the construction of accessory buildings or structures with 120 square feet of floor area or less, \$1.00.

f. \$10.00 for the establishment of a home occupation and for all other required zoning certificates.

g. For the erection of each sign permitted by

Section 4.5 b 1 and 4.113 b 1 (residential buildings),
Section 4.5 b 2 and 4.113 b 2 (roadside stands), \$10.00
Section 4.5 b 3 and 4.113 b 3 (professional-construction uses), \$12.00
Section 4.5 b 4 and 4.113 b 4 (all other R uses), \$12.00
Section 4.5 b 5 and 4.113 b 5 ("for Sale"), \$6.00;
Section 4.5 b 6 and 4.113 b 6 (subdivisions), \$25.00.

For the erection of each sign permitted in a C, S. C. or I District, except residential identification signs defined in Section 4.5 b 1, \$25.00.

The provisions of this Section shall not apply to any official agency of Chester Township.

Such fees shall be collected by the zoning inspector and deposited with the Trustees and become part of the general fund of the Township.

For the purposes of this Section a non-residential building or structure and a non-residential use shall mean any building or structure or the use of a building or structure intended or designed for any purpose other than for dwelling units.

Section 7.6. Void Certificates.

A zoning certificate shall be void if:

1. issued because of an error by any Township official or agency, or
 2. the terms and conditions contained in the certificate are not performed, or
 3. the certificate was issued upon a false statement of any fact material to the issuance thereof, or
 4. after the expiration of six (6) months no substantial construction has taken place in accordance with the terms and conditions contained in the certificate. When such non-performance or false statement shall be established to the satisfaction of the zoning inspector, the zoning certificate shall be revoked.
- Zoning certificates are not transferable.

Written notice of such revocation shall be either by per-

sonal delivery to the holder of the void certificate upon the

premises concerned, or by posting the notice in a conspicuous

place upon said premises. All work upon or use of the premises

in conformity with the provisions of this Resolution shall

be deemed a violation of this Resolution and

shall be removed or restored at the expense of the violator.

Section 7.7. Prohibition Against Violating Zoning Resolution.

No building or structure may be located, erected, con-

structed, reconstructed, enlarged, changed, maintained, or

used, and no land may be used in violation of this Resolution

by amendment or supplement thereto.

If any building or structure is or is proposed to be

located, erected, constructed, reconstructed, enlarged,

maintained or used, or any land is or is proposed to be

used in violation of this Resolution, the Trustees, County Prosecuting Attorney, the Zoning Inspector or adjacent or neighboring property owner who would be specially damaged may institute injunction, mandamus, abatement or any other appropriate action or proceed in addition to other remedies provided by law, to prevent any violation of this Resolution. The Trustees employ special counsel to represent it in any proceeding or to prosecute any action.

- b. Any person, firm or corporation violating or failing to comply with any provision of this Resolution or any amendment or supplement thereto, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars. Each and every day of violation may be deemed a separate offense.

Section 7.8. Board of Zoning Appeals.

The Board shall consist of five (5) members, appointed by the Trustees, who shall be residents of Chester Township. The terms of all members of the Board shall be of such length so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed. Vacancies shall be filled by the Trustees for the unexpired term. The members of the Board may be allowed their expenses or compensation or both as the Trustees may approve and provide. The Board may hire such professional or technical assistants as may be necessary within the limits of the monies appropriated by

Section 7.9. Powers of the Board.

The Board shall have all the power and duties prescribed by law. Such powers shall be exercised in accordance with the following procedure:

General Considerations. In addition to observing the standards specifically set forth in this Section, the Board shall act in harmony with the comprehensive plan embodied in this Resolution and in furtherance of the purposes set forth in Section 1 on all appeals and applications for certificates under this Section. The Board shall not approve any application or appeal under any of the provisions of Section 7.9 unless it finds in each case that the proposed use of the property or the erection, alteration, or maintenance of the proposed building or structure (a) will not create a hazard to health, safety, morals or general welfare; (b) will not be detrimental to the neighborhood or to the residents thereof; and (c) will not otherwise be detrimental to the public convenience and welfare.

The Board, as a body of limited jurisdiction, shall act in conformity with all provisions of the Revised Code of Ohio and this Resolution and in strict compliance with all limitations defined therein.

Interpretation of the Resolution. The Board may hear and decide any question involving the interpretation of any provision of this Resolution on appeal from an order,

requirement, decision or determination made by an administrative official, or a request by any official or agency of the Township. Such question of interpretation may include:

1. A determination of the meaning of any portion of the text of the Resolution, or any condition or requirement made under the provisions of this Resolution;
2. A determination of the exact location of any district boundary if uncertainty remains after following the rules specified in Section 3; or
3. A determination of whether or not a proposed non-conforming use is of a more restricted nature than an existing non-conforming use which is proposed to be replaced by said proposed non-conforming use, as provided in Section 5.

c. Variances for Hardships. The strict and literal application of any of the requirements of this Resolution may be varied by the Board on appeal from an order, requirement, decision or determination by an administrative official only if the lot in question is and was at the time of adoption of this Resolution:

1. exceptionally shaped, narrow or shallow, or
2. where topographic or other extraordinary conditions exist.

uch variance may be granted by the Board only where, because of the above conditions, a strict application of the requirements of this Resolution would result in practical difficulty or unnecessary hardship that would deprive the owner of substantial property rights and in no other case. No such variance shall be granted by the Board unless the following findings are made:

- (a) There exist special circumstances or conditions, fully described in the findings of the Board, which are applicable to the land or building involved, and such circumstances or conditions are peculiar to such land or building and not generally applicable to land or buildings in the neighborhood and is not a result of any act of the applicant subsequent to the effective date of this Resolution.
- (b) The variance granted by the Board is the minimum variance that will not deprive the applicant of substantial property rights.
- (c) The granting of the variance will be in harmony with the general purposes and intent of this Resolution, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

d. Conditional Zoning Certificates. The Board may grant conditional zoning certificates, after a public hearing as prescribed in Section 7.10, for the use of land, buildings or other structures but only for such specific uses that are listed in the several use districts as subject to conditional zoning certificates. The Board shall act in accordance with the following requirements:

1. The Board shall consider the accessibility of the lot in question for fire protection, access of light and air to the lot and to adjoining lots, traffic generation, capacity, the size and kind of buildings in the vicinity and the safety and convenience of traffic movement in relation to the proposed use.
2. Every application for such certificates shall be accompanied by a site plan drawn to scale showing full details of the layout of the site with respect to the location of buildings, off-street parking areas, and access to driveways on the site, the layout and nature of landscaping, and such other information as the Board may require.
3. In acting on any such application the Board may require that landscaping, fences, and walls designed to fulfill the purpose of this Resolution be provided and maintained as a condition to the establishment of any use to which they are appurtenant.

. In considering any site plan the Board shall endeavor to assure a beneficial relation among the buildings on the site if more than one, appropriate landscaping, and a satisfactory relation between the development of the site and the adjacent neighborhoods. Toward this end, the Board shall have the power to modify the front, rear and side yard requirements of this Resolution, the location of accessory buildings and other structures in order to secure the benefit of better site utilization, provided that such modification shall be so applied that:

(a) light and air shall not be obstructed from adjacent buildings to a greater extent than would result from the application of the regulations prescribed for the district in which such lot or building is located;

(b) the proposed location and arrangement of buildings will not be otherwise detrimental to adjacent buildings or to the general neighborhood.

on-Conforming Uses. The Board shall have the power to permit the extension or change of certain non-conforming uses as provided in Section 5, but only to the extent specified therein.

Section 7.10. Procedure.

The procedure of the Board shall be as follows:

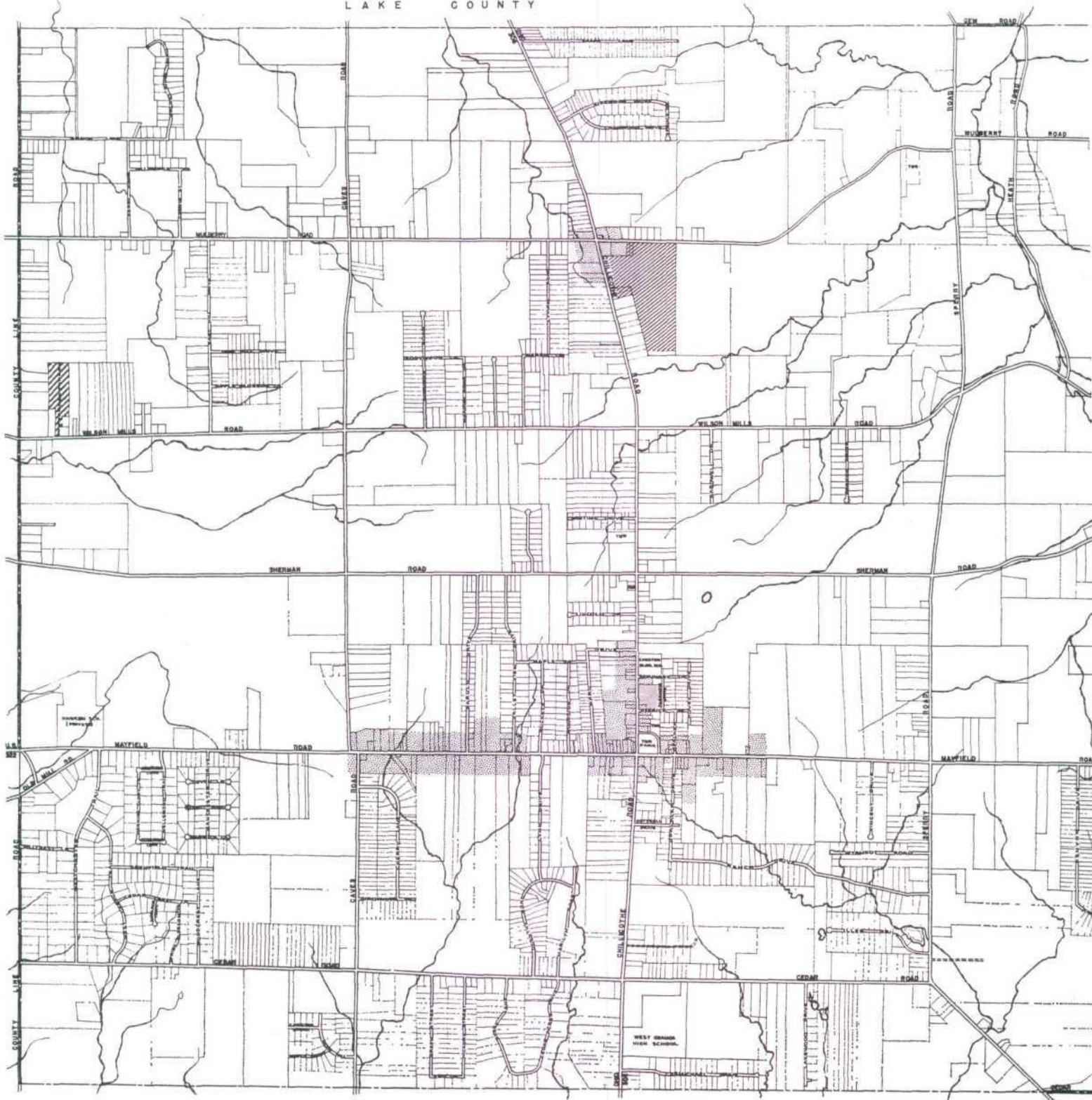
- a. The Board shall organize and adopt rules of procedure which are in harmony and accordance with this Resolution. All meetings of this Board shall be open to the public and shall be held at the call of the chairman or as the Board determines. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- b. All official proceedings of the Board shall be recorded and shall fully set forth the circumstances of the case and the findings of fact on which the decision is based. The vote, abstention or absence of each member on all questions shall also be recorded. The records and all documents pertaining to any official decision or act of the Board shall be immediately filed with the Trustees and shall become a permanent record.
- c. Any aggrieved person or Township officer affected by an action of the administrative officer may take an appeal to the Board by filing a notice of appeal and fee of ten (\$10.00) dollars with the Board and the officer from whom an appeal is taken. All appeals and applications made to the Board shall be in writing, on forms prescribed and made available by the Board. Each appeal or application shall set forth the full circumstances of the case referring to the specific provision

resolution that is involved, and shall exactly set forth whether the interpretation that is claimed, or the details of the variances applied for and the grounds relied upon, all pertinent facts to the use or authorization for which the zoning certificate is sought, as the case may be. A copy of each appeal or application shall be sent to the Commission by the Board at least ten (10) days before the public hearing on said appeal or application and the Commission shall be considered a party in interest with respect to any such hearing before the Board. All appeals shall be taken within twenty (20) days after the decision of the administrative officer, and such officer shall transmit all the papers constituting the record to the Board. The Board shall fix a reasonable time for the hearing of the appeal or application for a conditional zoning certificate and give at least ten (10) days written notice to the parties in interest. The Board shall also give notice by the publication in at least one newspaper having general circulation in the County at least ten (10) days before the date of the hearing. The Board shall render a decision within thirty (30) days. A party may appear in person or be represented by an attorney. The Board may impose any conditions that may be deemed necessary to accomplish the purpose of this Resolution in granting any variance or certificate. The Board may

condition the issuance of any certificate by requiring that it shall be periodically renewed; or the Board grant a temporary certificate. Any such renewal or extension of a certificate shall be subject to the same procedure as specified herein for the original grant of the certificate.




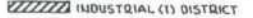
- f. Whenever a variance or certificate is granted by the Board, such variance or certificate shall automatically lapse after the expiration of one (1) year after the effective date of such variance or certificate if no substantial construction has taken place in accordance with the plans for which such variance or certificate was granted unless an extension shall be granted by the Board because of unforeseen conditions at the time of the granting of such certificate or variance.

LAKE COUNTY



RUSSELL TOWNSHIP

C H E S T E R T O W N S H I P Z O N I N G M A P

- LEGEND**
-  RESIDENTIAL (R) DISTRICT
 -  COMMERCIAL (B) DISTRICT
 -  SHOPPING CENTER DIST.
 -  INDUSTRIAL (C1) DISTRICT



CHESTER TOWNSHIP TRUSTEES

JOHN RICHMOND, CHAIRMAN
ROBERT JACKSON, VICE CHAIRMAN
ROBERT LEASE

TOWNSHIP CLERK

RAYMOND RICHMOND

ZONING COMMISSION

GEORGE LETTS, CHAIRMAN
RALPH SCHWARZ, VICE CHAIRMAN
HOWARD REITER
ROBERT H. ARMSTRONG
ROBERT G. WETZEL
CLIFFORD KUSTER, SECRETARY

BOARD OF APPEALS

DR. JOHN MOHR, CHAIRMAN
KENNETH SPERRY, VICE CHAIRMAN
ALLEN HULL
JAMES STEINER
RAYMOND DURBIN
MRS. D. E. PRICE, SECRETARY

ZONING INSPECTOR

DOUGLAS BOSS
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