

deleted sections of Chester  
Zoning Resolution  
Replaced by Amendment Z-94-2  
Effective date 4 March 1995

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- 2.08 **BOARD.** The "Board" shall mean the Board of Zoning Appeals of Chester Township.
- 2.09 **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 surfaces not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers, and other similar structures.
- 2.10 **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.
- 2.11 **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 highest point of the roof or, in the case of pitched roofs, to the mean level between the eaves and the highest point of the roof.
- 2.12 **BUILDING LINE.** 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.
- 2.13 **BUILDING, PRINCIPAL.** A "principal building" means a building within which the main or primary permitted use is conducted on a lot.
- 2.14 **CHANNEL.** "Channel" means a natural or artificial water course of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- 2.15 **CLINIC.** A "clinic" is any building or other structure devoted to the diagnosis, treatment and care of people as out-patients.
- 2.16 **COMMERCIAL PARKING GARAGE.** A "commercial parking garage" shall include any building in the Commercial District 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 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 the dead storage of motor vehicles.

- 2.17 **COMMERCIAL PARKING LOT.** A "commercial parking lot" shall include any lot in the Commercial District 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.
- 2.18 **COMMISSION.** The "Commission" shall mean the Zoning Commission of Chester Township.
- 2.19 **CONDITIONAL USE.** "Conditional use" means a use within a zoning district other than a permitted use requiring approval by the Board of Zoning Appeals and the issuance of a conditional zoning certificate.
- 2.20 **CONDITIONAL ZONING CERTIFICATE.** "Conditional zoning certificate" means a certificate issued by the Zoning Inspector upon approval by the Board of Zoning Appeals for a conditional use.
- 2.21 **COUNTY.** "County" means Geauga County, Ohio.
- 2.22 **CUL-DE-SAC.** A "cul-de-sac" means a street or road, one end of which connects with another street or road, and the other end of which terminates in a vehicular turnaround.
- A. **SOLID CUL-DE-SAC.** A "solid cul-de-sac" is a cul-de-sac which is completely paved and shall have an outside pavement radius of fifty-five (55) feet.
  - B. **ISLAND CUL-DE-SAC.** An "island cul-de-sac" is a cul-de-sac which has landscaped green space in the center and shall have an outside pavement radius of eighty (80) feet.
- 2.23 **DENSITY.** "Density" means a unit of measurement representing the number of people, buildings, structures, or dwelling units per acre of land.
- 2.24 **DISTRICT.** "District" means a portion of the Township shown on the Zoning Map within which zoning regulations apply as specified in this Resolution.
- 2.25 **DWELLING.** "Dwelling" means space within a building comprising living and/or dining and sleeping rooms; and space for cooking, bathing, and toilet facilities; all of which are used by only one (1) family for residential occupancy.<sup>4</sup>

- 2.26 **DWELLING, ONE FAMILY.** A "one-family dwelling" means a dwelling consisting of one (1) detached dwelling unit to be occupied by one (1) family only.
- 2.27 **DWELLING UNIT.** See "dwelling".
- 2.28 **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.
- 2.29 **FINISHED GRADE LEVEL.** "Finished grade level" means the elevation of the finished grade of the ground adjacent to a building or structure.
- 2.30 **FLOOR AREA.** The "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls. "Floor area" shall not include:
- A. Basement space
  - B. Attic space
  - C. Terraces, breezeways and open porches
  - D. Uncovered steps
  - E. Garages.
- 2.31 **FLOOR AREA, NET.** The "net floor area" of a building is the sum of the horizontal area of a floor or of the several floors of the building measured from the interior faces of exterior walls. Interior walls within the horizontal area shall be included in the calculation for the net floor area.<sup>5</sup>
- 2.32 **GAME AREA.** A "game area" means that portion of the net floor area of a gameroom which is devoted for the use of amusement devices and the required aisles, walkways and open spaces.<sup>6</sup>
- 2.33 **GAMEROOM.** A "gameroom" means any premises other than a residence upon or within which there is located more than three (3) billiard tables, pinball machines, electronic or mechanical games or other amusement devices, or any combination thereof.<sup>7</sup>
- 2.34 **GROUND FLOOR AREA.** The "ground floor area" is the horizontal area of the foundation under the living area measured from the exterior faces of exterior walls.

- 2.35 **GASOLINE FILLING STATION.** A "gasoline filling station" is any building, structure or lot used only for the sale of motor vehicle fuels, oils, lubricants and automobile accessories directly to the consumer, and may include minor repairs incidental to such use.
- 2.36 **GOLF CLUB, PRIVATE.** A "private golf club" is a recreational facility whose principal recreational activity is golf, and is available only to a limited number of members. Accessory facilities may include a swimming pool, tennis courts, club house and maintenance buildings. A "private golf club" includes every type of similar establishment designated country club, swimming club, etc. Such club shall be subject to the regulations set forth in Section 4.3.
- 2.37 **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, and
    - 2. Not more than one (1) person, other than the occupants of the dwelling unit, shall be employed in the home occupation, and
    - 3. Not more than two hundred fifty (250) square feet of floor area shall be devoted to home occupations in any dwelling unit, and
    - 4. Articles sold or offered for sale shall be limited to those produced in the dwelling unit, and
    - 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 indications of the home occupation, or variation of the residential character of the principal building, and
    - 6. No offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects shall be produced.

- 2.55 **LOT WIDTH.** The "lot width" shall be the horizontal distance between the side lot lines of a lot measured at the building line.
- 2.56 **MOBILE HOME.** "Mobile home" means a manufactured building built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. Refer to "Trailer, House".
- 2.57 **MOBILE HOME PARK.** Refer to "Trailer Camp".
- 2.58 **MOTEL.** A "motel" is a commercial building containing sleeping accommodations for transient occupancy for compensation with direct access to each such room from the outside.
- 2.59 **MOTOR VEHICLE.** A "motor vehicle" as defined in the Ohio Revised Code.<sup>10</sup>
- 2.60 **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.
- 2.61 **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.
- 2.62 **OPEN SPACE.** "Open space" means a totally unobstructed area on a lot, that does not have any permanent or temporary buildings, structures, driveways, or parking lots.
- 2.63 **PLANS, DEVELOPMENT.** "Development plan" means a drawing prepared by or for a developer, which may include explanatory exhibits and text, submitted to the designated authority for the purpose of study of a proposed development of land, or a preliminary plan of land and buildings of a development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area.<sup>11</sup>
- 2.64 **PUBLIC ROAD OR STREET.** "Public road or street" means a federal, state, county or township road as defined in the Ohio Revised Code.
- 2.65 **RECREATIONAL FACILITIES.** "Recreational facilities" shall include tennis courts, skating rinks, and above-ground swimming pools.<sup>12</sup>

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 Family District \*Two-Family  
1½ Acre Minimum 1 Family  
\*3 Acre Minimum 2 Family
- R2. Multi Family Residence Districts  
(Deleted Amendment Z-75-4, Effective Date, 2-21-76)
- R3A. One Family Districts - 3 Acre Minimum lots
- R5A. One Family Districts - 5 Acre Minimum lots
- C. General Commercial District
- S.C. Shopping Center District
- I. Restricted Industrial District

(From \*, Amend. Z-74-1, Effective date, 1-11-75)

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.

Section 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 zoning maps, the following rules shall apply:

- a. Where a boundary line appears within a street or other right-of-way, the boundary lines 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.

\*Deleted Per Amend. Z-92-2; Effective Date 2-11-93

- 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, water-course, or right-of-way.

Section 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 regulation 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.

Section 3.7. MEASUREMENT OF DISTANCES AND YARDS. Except as otherwise provided, all prescribed distances shall be measured in a straight line. The depth and width of all yards shall be measured perpendicular to and from lot lines. However, where a setback has been established along any street, the yard dimensions shall be measured perpendicular to and from each setback.

In the case of all lots the minimum lot width shall be measured at the building line as well as the front lot line, except any lot fronting on a cul-de-sac need not have one hundred fifty (150) feet at the front lot line but shall have an arc on the front lot line of not less than one hundred (100) feet.

3.08 PERMITTED OBSTRUCTIONS IN YARDS. Unless otherwise specifically provided, the following shall not be considered as obstructions when located within required yards:

Uncovered porches less than ten (10) feet in width

Terraces

Steps

Air conditioning units

Awnings and canopies

Recreational equipment, clotheslines and stanchions

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 setback line to the building shall remain unobstructed.

In required front and side yards in an R District, R3A District and R5A District, accessory buildings shall be located to 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.

(For changes in Sections 3.7 and 3.08 refer to the following amendments: Z-73-2, effective date 5-25-73. Z-74-1, effective date 1-11-75. Z-75-4, effective date 2-21-76.)

Section 3.9 BUILDING HEIGHT EXCEPTIONS. The height limitations specified in the several district regulations of this 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 antennas.

Silos.

Elevator machinery space.

Grain elevators.

Windmills.

Section 3.10 AGRICULTURE. This resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure. (Refer to Z-91-2: effective date 12-14-91 in back of book.)

Section 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. When both a provision of this Resolution, any other provisions 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 the Resolution of any subsequent applicable amendment or any easement, covenant, or other private agreement.

Section 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.

ARTICLE 4  
DISTRICT REGULATIONS

4.00 R-RESIDENCE DISTRICTS. Subject to the provisions of Section 3, the following regulations shall apply in an R District, R3A District and R5A District:

4.01 PERMITTED USES. Only the following uses shall be permitted in R districts, R3A Districts and R5A Districts provided such uses do not emit 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 one-family detached dwelling per lot

Schools

Libraries

Museums

Public parks, public playgrounds, and other public recreation facilities

Public utilities

Township and other governmental buildings

Accessory uses

Off-street parking and loading, as regulated by the provisions of this Resolution

Residential Recreational Facilities. The installation of tennis courts, skating rinks, and above-ground pools located on the property shall not be required to have a zoning permit in a residential zoning district provided that such facility in the case of a tennis court does not exceed seven thousand two hundred (7200) square feet, and in the case of a skating rink or an above-ground pool does not exceed one thousand two hundred (1200) square feet, and further, that any such facility shall be located in the rear yard, and shall be located more than twenty-five (25) feet from the rear lot line, and shall not encroach into either required side yard.

4.02 CONDITIONAL USE. 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, R3A District, and R5A District with the approval of the Board. The following are conditional uses:

Churches/Places of Worship

Private golf clubs

Memorial parks

(For changes in Sections 4.00 and 4.01, refer to the following amendments: Z-74-1, effective date 1-11-75. Z-75-4, effective date 2-21-76. Z-83-1, effective date 8-27-83. Z-81-3, effective date 12-23-81. Z-84-2, effective date 1-25-85. Z-85-3, effective date 10-3-85. Z-91-2, effective date 12-14-91. Z-92-2, effective date 2-11-93.)

Section 4.2A QUARRY. (Refer to Z-85-3: effective date 10-3-85 in  
back of book)

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 Section 6.4 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, asphaltic 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 such 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<sup>\*</sup>, R2 District<sup>2</sup>, R3A District, and RSA District<sup>1</sup> 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<sup>\*</sup>, R2 District<sup>2</sup>, R3A District, and RSA District<sup>1</sup> uses takes place.  
<sup>\*</sup>(<sup>1</sup>Amend, Z-74-1, Effective date, 1-11-75. <sup>2</sup>Deleted: Amend. Z-75-4, Effective date, 2-21-76)
- e. Signs. (Refer to Z-84-2: effective date 1-25-85 in back of book)
- 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 (1,500) 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. Distances 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 Thoroughfare. Wherever possible such club shall front upon a major thoroughfare as specified in the "Gauga County Thoroughfare Plan".
- k. Dates and Times 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 entrances 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.

- b. 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 lines. 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.

- d. Location of Structure. 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.
- e. 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.
- i. Fiscal Plan. Neglected memorial parks become townshipwide 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.
- j. 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 this issuance of conditional zoning certificate shall constitute a revocation of such certificate.

Section 4.5 SIGN REGULATIONS. (Refer to Z-84-2: effective date 1-25-85  
in back of book)

Section 4.6 OFF STREET PARKING. Off-street parking space shall be provided in accordance with the regulations set forth in Section 6, Section 6.4 through 6.22, for each of the uses permitted in an R District<sup>\*</sup>, R2 District<sup>2</sup>, R3A District<sup>1</sup>.

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 District<sup>\*</sup>, R2 District<sup>2</sup>, R3A District, and R5A District<sup>1</sup>. In no case shall unlicensed or abandoned motor vehicles be stored on a lot in a R District<sup>\*</sup>, R2 District<sup>2</sup>, R3A District, and R5A District<sup>1</sup> except in a permitted, enclosed structure. \*<sup>1</sup>Amend. Z-74-1, Effective date, 1-11-75. <sup>2</sup>Deleted: Amend. Z-75-4, Effective date, 2-21-76)

The last sentence of Section 4.6 is removed. (Refer to Z-90-8, Effective date, 3-11-91 in back of book)

Section 4.7. OFF-STREET LOADING. Off-street loading space shall be provided in accordance with the regulations set forth in Section 6, Section 6.1 through 6.3, for each of the uses permitted in an R District\*, R2 District<sup>2</sup>, R3A District, and RSA District<sup>1</sup>,

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

\*(<sup>1</sup>Amend. Z-74-1, Effective date, 1-11-75. <sup>2</sup>Deleted: Amend. Z-75-4, Effective date, 2-21-76).

Section 4.8. AREA, YARD AND HEIGHT REGULATIONS. The regulations set forth in the table in Section 4.9 shall apply as indicated to each use permitted in R Districts, R3A Districts, and RSA Districts unless otherwise specifically provided.

(Amend. Z-74-1, Effective date, 1-11-75)

Section 4.9 Dimensional Requirements in an R District, R3A District, and R5A District (Table)

(Amendment Z-74-1, Effective Date, 1-11-75)

District Uses	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (4)	Minimum Side Yard (5)	Minimum Rear Yard (6)	MINIMUM BUILDING SIZE Per Dwelling Unit (Sq.Ft.)		Maximum Building Height
						Ground Floor Area	Floor Area	
1 - Family Dwelling	R District 1½ Acres R3A District 3 Acres R5A District 5 Acres	R District 150 feet R3A District 200 feet R5A District 250 feet	70 feet from Right-of-Way or 100 feet from Center Line, whichever is greater	Two required, 25 feet each	50 feet	1,000	0-2 bedrooms 1200 3 bedrooms 1350 4 bedrooms 1500 5 or more bdrms. 1650	30
*2 - Family Dwelling (R District only) * Deleted Amend. Z-92-2; Effective Date 2-11-93	R District 3 Acres R3A District Prohibited R5A District Prohibited	R District 300 feet R3A District Prohibited R5A District Prohibited	70 feet from Right-of-Way or 100 feet from Center Line, whichever is greater	Two required, 25 feet each	50 feet	1,000	0-2 bedrooms 1200 3 bedrooms 1350 4 bedrooms 1500 5 or more bedrooms 1650	30
Accessory Buildings	(2)	(2)	(2)	20 feet from any dwelling	20 feet from any dwelling	--	Maximum 50% of Ground Floor Area of Main Building	15
Rear Houses*								
Hospitals, Sanitariums Rest Homes	5 acres	500 feet	100 feet	100 feet	100 feet	--	--	30

(See key on next page for numbers in parentheses in table)

\*(Refer to Z-90-4, effective date 5-25-90)

Section 4.10 REAR HOUSES. (Refer to Z-90-4, Effective date 5-25-90 in back of book)

Section 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 4.12. PRIVATE SWIMMING POOLS shall conform to the requirements of Section 4.3 f.1.

(Amend. Z-74-1, Effective date 1-11-75)

Section 4.110. R-2 MULTI-FAMILY DISTRICT.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.111. PERMITTED USES.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.112. CONDITIONAL USES.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.113. SIGN REGULATIONS.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.114. OFF-STREET PARKING.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.115. OFF-STREET LOADING.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.116. AREA, YARD AND HEIGHT REGULATIONS.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.117. DIMENSIONAL REQUIREMENTS IN AN R-2 DISTRICT (Table)  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.118. SPACING BETWEEN BUILDINGS ON THE SAME LOT.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.119. REAR HOUSES.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

SECTION 4.120. CORNER SIGHT CLEARANCE.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.121. DEVELOPMENT PLANS.  
(Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.20. C-GENERAL COMMERCIAL DISTRICT. Subject to the provisions of Section 3, the following regulations shall apply in a C District. \*Commercial property where presently shown on map, (Official Township Zoning Map) depth shall be as shown, but not to exceed five hundred (500-0) feet from center line of fronting Highway 322 (Mayfield Road).  
(From \*, Amend. Z-74-2, Effective date, 3-21-75)

Section 4.21. PERMITTED USES. Amend to read as follows:

Section 4.21. PERMITTED USES. Within any C District, no building, structure, lot or land shall be used for other than one or more of the following uses:

- 4.21 - 10 Retail Store, restaurant, tavern
- 4.21 - 20 Personal Service store, Funeral Home
- 4.21 - 30 Bank, Savings and Loan Association

- 4.21 - 40 New Automobile Sales with accessory service and used car facilities subject to the provisions of Section 7.9, paragraph d.
- 4.21 - 50 Business, Vocational School or Private School
- 4.21 - 60 Professional - Business
- 4.21 - 70 Gasoline filling stations, subject to the provisions of Section 4.31 and 7.9 d.  
(Amend. Z-73-3, Effective date, 6-28-73)
- 4.21 - 80 Movie Theater (Shopping Center District Only)
- 4.21 - 90 Governmental Office Building
- 4.21 -100 Church, Fraternal Organization
- 4.21 -120 Multi-family  
(Deleted: Amend. Z-75-3, Effective date, 2-21-76)
- 4.21 -130 Public utility building or structure, township fire house, township garage
- 4.21 -140 Letter Shop Service - including the sale of stationery and office supplies and reproduction of written material, provided that equipment--mimeographs, duplicators, and photocopiers--and only that other equipment that is necessary for the preparation and finishing of the reproductions produced through those limited processes, and further provided that no printing equipment or printing processes of any kind shall be permitted. No single piece of permitted equipment shall weigh in excess of 1300 pounds.
- 4.21 -150 The following sales and/or service establishments dealing with a consumer on or off the premises.

Landscaping Business - subject to the provisions of Section 4.211 and Section 4.212.

(From \*, Amend. Z-74-2, Effective date, 3-21-75)

Section 4.211. SCREENING FOR LANDSCAPING BUSINESS:

Where sod, trees, shrubs, plants or landscaping materials are to be stored or left outside of any building overnight, then screening shall be provided as follows:

A solid wall, a uniformly painted solid fence of fire-resistant material, or a four (4) foot strip of land planted with shrubs or trees which may be expected to form a year-around dense screen, shall be erected or planted and maintained along the lot line. Such wall, fence or planting shall be at least six (6) feet in height.

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.

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.

All vehicles, machinery and equipment shall be stored within buildings.

(Refer to Z-81-1, Effective date 5-1-80 in back of book)

Section 4.22. SIGN REGULATIONS. (Refer to Z-84-2, Effective date, 1-25-85 in back of book)

Section 4.23. OFF-STREET PARKING. Off-street parking space 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.

\*In no case shall unlicensed or abandoned motor vehicles be stored on a lot in a "C" District except in a permitted enclosed structure, or when under a permitted use.

(From \*, Amend. 2-74-2, Effective date, 3-21-75)

4.23.1 IMPROVEMENTS. All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any street.

All off-street parking and loading spaces located within ten (10) feet of any street line shall be separated from such line by a curb, fence, wall embankment or other barrier and shall be provided with such barrier in such a manner that cars will not overhang the street line.

4.24 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 a C District. The loading space and vehicular access thereto, shall be provided at the rear of the building or structure providing such space.

4.25 AREA, YARD AND HEIGHT REGULATIONS. The regulations set forth in the table in Section 4.26 shall apply as indicated to each use permitted in a C District unless otherwise specifically provided. Building shall be designed and constructed and land shall be used and improved for permitted uses only in accordance with the following yard regulations:

A. FRONT YARDS. A landscaped front yard shall be provided in front of all buildings, parking areas, circular drives and permitted outdoor uses and shall extend from street right-of-way to at least one hundred thirty-five (135) feet from the centerline of U.S. 322 or 306, or ninety (90) feet from the proposed right-of-way, whichever is greater.

Such yards shall be landscaped and maintained in satisfactory condition and, except for permitted signs and entrance and exit drives, shall not be used for any other purpose.

B. BUILDING SETBACK. Where no parking area or drive is to be provided in front of a structure, the minimum setback shall not be less than one hundred forty-five (145) feet from the centerline, or one hundred (100) feet from any proposed right-of-way, or seventy (70) feet from all other streets except that:

1. Where parking is proposed in front of a structure the minimum setback shall be not less than two hundred twenty-five (225) feet from any proposed right-of-way of any State or Federal highway, or one hundred seventy (170) feet from the centerline or any other street whichever is greater.

2. Where any building is proposed within two hundred (200) feet of a Residential District, or on the opposite side of any Residential District, the minimum building setback shall be not less than one hundred forty-five (145) feet from the centerline of a State or Federal highway, or one hundred (100) feet from the centerline of all other streets, whichever is greater.
3. SIDE YARD WITHIN DISTRICT. Each lot or separate development shall have at least at each side not less than twenty (20) feet green area in width unless the on-site circulation parking and loading are coordinated with adjoining developments and set forth in a joint agreement. Where buildings are not built along the property line, the minimum yard shall be twenty (20) feet.
4. SIDE YARDS ADJACENT TO RESIDENTIAL DISTRICTS.
  - a. PARKING DRIVES AND OPEN USE. Whenever the property to develop abuts the side property line of any lot located in any Residential District, the minimum distance from the side lot line and any drive parking area, or permitted open use, shall be not less than forty (40) feet between the building setback line in the adjacent Residential District and the street right-of-way, and not less than sixty (60) feet between the building line and a rear property line. Such yard shall be landscaped and maintained in a satisfactory manner to the Commission. In addition, 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, may be required by the Commission to 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.
  - b. BUILDINGS. The minimum distance from any side property line of any lot located in any residential district to any commercial building shall be not less than seventy (70) feet.

5. REAR YARDS ADJACENT TO RESIDENTIAL DISTRICTS.

- a. PARKING DRIVE AND OPEN USES. Whenever the property to be developed abuts any Residential District along the rear property line, the minimum distance from any rear property line of any lot located in a Residential District to any parking area, drive, or permitted open use shall not be less than sixty (60) feet. Such yards shall be landscaped and maintained in a manner satisfactory to the Commission. In addition, a solid wall or uniformly painted fence of fire resistant material, or 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 screen, may be required by the Commission to 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.
- b. BUILDING. The minimum distance from any rear property line to any building shall be not less than seventy (70) feet.

(Section 4.25 amended by Z-74-2. Effective date 3-21-75.)

4.25.1 DRIVEWAYS TO PARKING AND LOADING AREAS. The location, width and number of entrance and exit driveways serving accessory parking facilities shall be designed to interfere as little as possible with the use of adjacent property and the flow of traffic on the streets to which they connect.

- A. LOCATION OF DRIVEWAYS. The minimum distance from the nearest edge of a driveway to an intersecting street or another driveway measured along the property line, or the extension thereof, shall not be less than that required by this subsection.

(Paragraphs above amended by Z-92-2. Effective date 2-11-93)

The minimum distance between a driveway and the right-of-way line of the nearest State or U.S. highway shall be not less than sixty (60) feet.

The minimum distance between a driveway and the right-of-way line of a local street shall be not less than forty (40) feet.

The minimum distance between two driveways connected to an arterial street shall be not less than two hundred (200) feet and no more than two (2) two-way driveways shall be permitted to any development having a frontage of less than two hundred (200) feet along said street. Where such spacing cannot be obtained the Commission may require a common drive for two or more properties in order that such drives be spaced not less than two hundred (200) feet apart.

No property having less than two hundred (200) feet of frontage shall have more than one (1) two-way drive or two (2) one-way drives.

- b. Entrance and Exit Driveways. Entrance and exit driveways shall not exceed three (3) lanes in width, and shall be designed so that all cars can be driven forward into the street. The width of such driveways, measured at the street property line, shall conform with the following schedule:

WIDTH OF DRIVEWAY

Number of Lanes	Minimum	Maximum
One lane	12 feet	18 feet
Two lanes	18 feet	24 feet
Three lanes	27 feet	34 feet

The angle of intersection between the driveway and the street shall be between seventy (70) and ninety (90) degrees. The radii of the edge of the driveway apron shall be at least fifteen (15) feet, with twenty-five (25) feet recommended, so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or curb lane of the street. The entrance and exit drives shall be disconcerned and provide effective means of control of entering and exiting.

(From \* Amend. Z-74-2, Effective date, 3-21-75)

Section 4.252. HEIGHT REGULATIONS.

- a. The height of any main building or structure in a C-Commercial District shall not exceed thirty-five (35) feet or two-and-one-half (2½) stories, whichever is the lesser.
- b. The height of any accessory building shall not exceed fifteen (15) feet.

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	Maximum Lot Coverage
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Uses Permitted in an R District (See Section 4.9)

\*\*Multi-Family Dwellings Deleted Amend. Z-92-2; Effective Date 2-11-93.

Uses Permitted in an R2 District*	See Section 4.117			Corner lots: same as front yard on side street	50 Feet					
All Other Uses Permitted in a C District	With on-site sewage treatment, 2 acres (87,120 square feet)	200.0 feet								1,000 sq. feet of usable ground floor area
Minimum with Sanitary Sewers	3/4 acres (32,670 square feet)	100.0 feet								

\* Deleted per Amend. Z-75-4; effective date, 2-21-74.

Section 4.27. MAXIMUM LOT COVERAGE. The maximum lot coverage of buildings, hard surfaced parking and drives or other hard surfaced areas shall not exceed sixty percent (60%) of the lot area. (Amend. Z-74-2, effective date 3-21-75)

Section 4.28. SPACING BETWEEN BUILDINGS ON THE SAME LOT.

\*The spacing between buildings on the same lot, measured perpendicularly from from any exterior wall, shall meet the following requirements:

a. The minimum allowable distance is 50 feet.

b. A building group must be so arranged that any building is readily accessible by emergency vehicle.

(From \*, Amend. Z-76-2, Effective date 11-20-76)

Section 4.29. REAR HOUSES.

\*Dwelling units under this section which do not have frontage on a publicly dedicated street shall provide a permanent easement for access over an unoccupied strip of land at least 60 feet in width. An easement of 750' or more in length shall provide a cul-de-sac as defined in 2.66 definitions in order to provide ingress and egress for fire fighting equipment, police and emergency vehicles.

(From \*, Amend. Z-75-2, Effective date 4-29-76)

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.

Section 4.30. 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 4.31. GASOLINE FILLING STATION REGULATIONS. Notwithstanding any of the other provisions of this Resolution, any developer intending to establish a gasoline filling station in a C district shall submit to the Board the following information:

a. A market analysis which shall appraise the existing and projected market for goods and services to be supplied by the proposed gasoline filling station and the relationship of other gasoline filling stations in the area to the said market.

- b. Data on existing and projected traffic volumes and patterns in the proximity of the proposed gasoline filling station.
- c. A complete application and all required supporting data for a Conditional Use Permit. This application and supporting data shall clearly show that the proposed gasoline filling station will comply with the general standards and criteria provided for in this Resolution as well as the following conditions:
  1. The minimum area of a lot proposed for use as a gasoline filling station shall be two acres. The minimum lot width shall be 220 feet. The minimum building setback measured from the right-of-way, except as otherwise provided, shall be 100 feet. A landscaped front yard shall be provided in front of all parking areas, circulation drive and permitted outdoor uses and shall have a depth of not less than 35 feet from the street right-of-way line. Such yards shall be landscaped and maintained in satisfactory condition and except for permitted signs and entrance and exist drives, shall not be used for any other purpose. The minimum side yard shall be 80 feet if the side yard lot line abuts any residential district, or otherwise 30 feet. The minimum rear yard shall be 80 feet if the rear yard lot line abuts any residential district, or otherwise 30 feet. Only one building with a minimum of 1000 sq. ft. and a maximum of 1500 sq. ft. of useable ground floor area shall be permitted on the lot.
  2. All facilities for lubrication and washing of vehicles, and similar services, shall be located completely within the enclosed building.
  3. All gasoline storage tanks shall be completely underground. Gasoline pumps may be erected in front of the established building line, but not less than 50 feet from the street (all) right-of-way lines.
  4. Light poles and appurtenances may be placed in front of the building line. Enclosed cabinets or racks for the display of motor oil and windshield wiper blades and windshield wiper fluids may be placed back of the pump island setback line specified in this section. Tires may be displayed outside the building but only in enclosed cabinets or racks, each with dimensions not exceeding 12 feet in length, five (5) feet in width, and eight (8) feet in height, located behind the building line. No overnight display of it such as motor oil and tire outside a building shall be permitted, except in permanently installed cabinet or racks.

5. If rental trailers or rental vehicles are proposed to be stored on the premises, the minimum lot area of two acres shall be devoted exclusively to service station use. There shall be provided behind the building line an additional area for the storage of rental trailers or rental vehicles on such premises at a ratio of 350 square feet per trailer or vehicle. No vehicles shall be parked in front of the pump island setback line required by this section, except vehicles actually being serviced at such pump island.
- d. No unlicensed vehicles shall be permitted to stand out-of-doors on such property for more than 72 consecutive hours.
- e. Any gasoline filling station which is not open for business for a period of six (6) consecutive months shall be deemed abandoned, and the Conditional Zoning Certificate permitting the operation of such gasoline filling station shall be void and of no further force and effect.
- f. Sign Regulations. (Refer to Z-84-2: effective date 1-25-85 in back of book).
- g. Off-Street Parking

Off-street parking space shall be provided in accordance with the regulations set forth in Section 6, Sections 6.4 through 6.11.

(Section 4.31, added per Amend. Z-73-3, effective date 6-27-73.)

Section 4.40. S.C. - SHOPPING CENTER DISTRICT. Subject to the provisions of Section 3, the following regulations shall apply in an S. C. District:

Section 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.

Section 4.42. \*SITE PLAN APPROVAL BY ZONING COMMISSION.

4.42-10. General

Site plan and site plan approval shall be required for all construction or change of use, of building and/or land.

(From \*, Amend. Z-1-76; Effective date 10-23-76)

The following procedures shall be followed by the Zoning Commission:

4.42-20. Preliminary Site Plan Review prior to the submission of formal Site Plan, the applicant shall meet in person with the Zoning Commission and/or their designated representative, to discuss the proposed Site Plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Zoning Commission's requirements in matters relating to the development of the site.

4.42-30. Application for Site Plan Approval. At least ten (10) days in advance of the Commission's meeting at which a Site Plan or any amendment to it is to be presented, the information enumerated below must be submitted to the Zoning Inspector for forwarding to the Commission. Eight (8) copies of the material shall be submitted including the necessary applications. This information in total shall constitute the Site Plan and shall be the same information, drawings and supplementary material normally understood to be completed working drawings and be the same material by which the building permit will be issued. The information submitted, which in total shall constitute a Site Plan, shall be as follows:

- a. Title and Development, date, north point, scale, name and address of record owner and of architect, engineer, landscape architect, surveyor, or planner preparing the Site Plan, and lot, block and section number of the property.
- b. Existing zoning.
- c. Boundaries of the property building and setback lines, lines of existing streets, lots, easements and areas dedicated to public use.
- d. Location of existing buildings.
- e. Location of existing water mains, culverts and drains on the property with pipe sizes, grades and directional flow.
- f. Existing contours with intervals of two (2) feet, referred to the State of Ohio Coordinate System. Locations of existing water courses, marshes, rock outcrops, wooded areas, trees with eight (8) inch diameter or more, and other significant existing features.

- g. Locations of all proposed water hydrants.
- h. Locations and specifications of all proposed exterior site illumination including lighting for public walkways, parking areas and other public spaces.
- i. Locations of all parking areas, driveways and access roads, indicating type of pavement, curbs, and drainage.
- j. The proposed use or use of land and buildings and proposed locations of buildings including proposed grades.
- k. All proposed lots, easements and public community areas. All proposed streets with (a) profiles indicating grading and (b) cross sections showing width of proposed sidewalk, and locations and sizes of utility lines and/or pipes and proposed curbs.
- l. Proposed screening and landscaping, including a planting plan prepared by a Landscape Architect or Architect.
- m. The application shall be signed by the applicant and the owner of record if the owner is not the applicant.

4.42-40. A Site-Plan when approved by the Commission shall be valid for a period of one hundred twenty (120) days, from the date of such approval; if work is commenced within the period of one hundred twenty (120) days the approval shall be valid for a period of one (1) year from the date of approval. The Commission shall have the right to extend any period of approval to not more than one (1) year from the expiration date of original approval.

Effect of Approval:

Once approved by the Commission, the following provisions are established:

- 1. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curbs, and recreation areas, and the installation of landscaping; fences and walls shall conform to the approved site plan.
- 2. A performance bond, or other financial guarantee, in an appropriate amount shall be placed with the Township to assure that the landscaping be installed, that the hard surfacing of the private drives and parking areas be installed, and that the

surface water drainage be installed, all in conformance with the approved development plan. The amount of such bond shall be determined by the Commission and approved by the Trustees.

3. Any permit issued under this resolution shall expire, unless substantial completion is achieved within the permit period.

(From \*, Section 4.42, Amend. Z-74-2, Effective date 3-21-75)

Section 4.43. STANDARDS AND CRITERIA.

\*The Commission's review and action on all development plans applications shall be based on the following standards and criteria:

1. The development plan shows that a proper relationship does exist between thoroughfares, service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.
2. All proposed development features, including the principal buildings, open space, service roads, driveways and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
3. The development plan includes adequate provision for screening of parking areas, service areas and active recreation areas from surrounding property by landscaping and/or ornamental-walls or fences.
4. Grading and surface drainage provisions, as well as public water supply and sewerage collection, are reviewed and approved by the County Engineer.
5. The design and construction standards of all private streets, driveways and parking areas are to be built in accordance with the standards established by the County Engineer and resolutions of this Township.
6. The architectural design of all structures shall be harmonious with the design and relationship of adjacent development in terms of building height, mass, texture, line, pattern and character.
7. Building location and placement should be developed with consideration given to minimize removal of trees and change of topography.
8. On-site circulation shall be designed to make possible adequate fire and police protection.
9. In large parking areas, visual relief shall be provided through the use of tree planting and landscape dividers, islands and walkways.

10. The provision of ancillary building to the principal use, signs and all other development features shall be related to the overall proposed development and in keeping with the surrounding environment.

From \*, Section 4.43, Amendment Z-74-2, Effective date 3-21-75)

Section 4.44. PERMITTED USES. Only the following uses shall be permitted in an S.C. District provided such uses do not emit 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:

- a. The following retail sales of merchandise, provided that all products for sale or rent shall be sold or rented on the premise directly to the consumer.  
(Amend. Z-71-3, Effective date 1-1-72)

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.  
Automobile supply stores.  
Luggage and leather goods stores.  
Lunchrooms, bars, taverns, restaurants and cafeterias.

- 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 cloths pressing, provided that, (1) such establishments do not service 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.  
Self-service laundries.  
Household appliance, service and repair shops.  
Commercial schools, dancing, business, trade or vocational.  
Lending libraries.  
Photographic studios.  
Lodges, clubrooms and meeting halls.  
Offices, professional, business and philanthropic.  
Travel bureaus.  
Bowling alleys.  
Commercial parking garages and parking lots  
Clinics.  
Indoor theaters.  
Locksmiths.  
Medical and orthopedic appliance stores.  
Picture framing shops.  
Shoe repair shops.

- c. Sign regulations. (Refer to Z-84-2, Effective date 1-25-85  
in back of book)

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 of seating capacity.

Medical and Dental Offices-Five (5) spaces for each physician or dentist plus one (1) space for each two (2) other employees.

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

a. 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.

b. 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.

c. Location of Parking Spaces. Off-street parking spaces shall not be permitted within twenty-five (25) feet of any street right-of-way line, nor within twenty-five (25) feet of the boundary of an R District<sup>\*</sup>, R2 District<sup>2</sup>, R3A District, and RSA District<sup>1</sup>.

<sup>\*</sup>(<sup>1</sup>Amend. Z-74-1, Effective date, 1-11-75. <sup>2</sup>Deleted: Amend. Z-75-4, Effective date, 2-21-76)

d. Access. The entrance and exists 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 (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.

- e. 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.

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 set back 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:

- a. 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.
- b. 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 surface and graded for proper drainage.
- c. 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 space.

Section 4.47. AREA, YARD AND HEIGHT REGULATIONS. The following area, yard and height regulations shall apply in an S. C. District:

- a. Minimum Lot Area. Every shopping center development shall have a minimum lot area of five (5) acres.
- b. Minimum Lot Width. Every shopping center development shall have a minimum lot width on its major street frontage of five hundred (500) feet.
- c. 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\*, R2 District<sup>2</sup>, R3A District, and RSA District<sup>1</sup>, there shall be a side yard of at least one hundred (100) feet.

\*(<sup>1</sup>Amend. Z-74-1, Effective date, 1-11-75. <sup>2</sup>Deleted: Amend. Z-75-4, Effective date, 2-21-76)

On a corner lot, the side yard along the side street shall be no less than twenty-five (25) feet from the side 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\*, R2 District<sup>2</sup>, R3A District, and RSA District<sup>1</sup>, 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.

\*(<sup>1</sup>Amend. Z-74-1. Effective date, 1-11-75. <sup>2</sup>Deleted: Amend. Z-75-4, Effective date, 2-21-76)

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

Section 4.48. SCREENING FOR SHOPPING CENTER. Where a shopping center district adjoins or faces an R District\*, R2 District<sup>2</sup>, R3A District, and RSA District<sup>1</sup>, a solid wall, a uniformly painted solid fence of fire resistant material, or a four (4) 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 lines. Such wall, fence or planting shall be at least four (4) feet in height. However, such wall or fence shall not be more than six (6) feet in height.

\*(<sup>1</sup>Amend. Z-74-1, Effective date, 1-11-75. <sup>2</sup>Deleted: Amend. Z-75-4, Effective date, 2-21-76)

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 this provision temporarily only in those cases where there is no residential development immediately adjoining such use.

Section 4.50. I-RESTRICTED INDUSTRIAL DISTRICT. Subject to the provisions of Sections 1 and 3, the following regulations shall apply in an I District and said I District shall not be less than twenty-five (25) acres.

Section 4.51. PERMITTED USES. Only the following uses shall be permitted in an I District provided that such uses do not emit 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 as defined in Section 4.60.

a. Uses permitted and as regulated by Section 4.21, paragraphs b and c.

b. Light manufacturing and assembling of the following:

- Advertising and display manufacturing
- Bakers and baked goods
- Bookbinders
- Cabinet makers
- Canvas products such as tents and awnings
- Clock factory
- Cosmetics and toiletries
- Doors, sash and trim, wood manufacturing
- Draperies
- Electronic research
- Furniture products
- Glass and optical products from previously manufactured glass
- Iron (custom, decorative wrought iron shops)
- Jewelry, clocks and watches
- Luggage
- Machine shops excluding punch presses with a rating capacity of over twenty (20) tons and drop hammers
- Models and pattern making
- Paper products
- Photographic equipment
- Plastic products
- Scientific and other precision instruments
- Sheet metal (custom fabrication for heating and ventilating)
- Sporting goods
- Venetian blinds, window shades and awnings

c. The following services:

- Agricultural implements (repair and service)
- \*Animal boarding and breeding
- Automobile repair
- Building material sales

\*Deleted per Amendment Z-91-2: effective date 12-14-91 in back of book.

Building trade contractors' establishments  
Business machines  
Burglar alarm systems (installation)  
Cabinet and carpenter and craft shops  
Carpet cleaning establishments  
Coin machines (rental and service)  
Dry cleaning plants  
Electrical appliances and equipment  
Enameling and painting  
Engraving  
Farm implements and machinery  
Furnace cleaning and repair  
Furniture repair and upholstering shops  
Household and office equipment repair shops  
House movers  
Interior decorators  
Laboratories, research, experimental and testing  
Lithographers  
Metal doors, screens and windows  
Motor vehicle and machinery repair, including body repair  
and painting  
Office furniture and equipment  
Photographic development and printing establishments  
Printing and publishing  
Restaurant equipment installation and repair  
Saw mills  
School equipment suppliers  
Sign painters and erectors  
Venetian blinds, window shades and awnings  
Window cleaners  
Window display shops

d. The assembly and processing of the following:

Automobile seat covers or convertible tops  
Frozen food processing  
Packing and crating establishment  
Paper products  
Photo engraving  
Silver plating, soldering or welding  
Small wood and metal products, such as radios, lighting  
fixtures and television equipment

e. The following additional uses:

Maintenance, storage and warehousing within wholly enclosed  
buildings  
Signs as regulated in Section 4  
Off-street parking and loading facilities as regulated in  
Section 4.53 and 4.54

Section 4.52. SIGN REGULATIONS. (Refer to Z-84-2, Effective date  
1-25-85 in back of book)

Section 4.53. OFF-STREET PARKING. Off-street parking space shall be provided in accordance with the regulations set forth in Section 6 for each of the uses permitted in an I District. All parking facilities shall be located on the same lot as the main building and use served and shall in no case be located between any street line and its parallel building line (see Illustration of I District Yard Requirements).

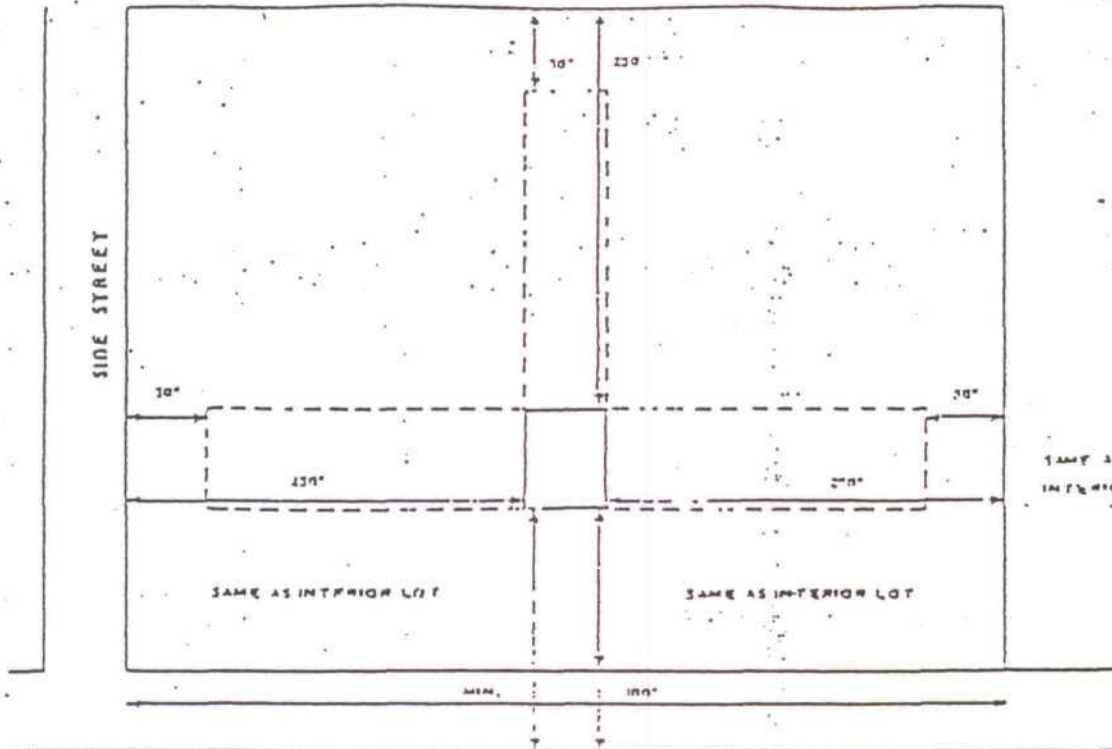
Section 4.54. OFF-STREET LOADING. Off-street loading space shall be provided in accordance with the regulations set forth in Section 6 for each of the uses permitted in an I District. Wherever possible, the loading space and vehicular access thereto shall be provided at the rear of the building or structure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

Section 4.55. AREA, YARD AND HEIGHT REGULATIONS. The regulations set forth on the table in Section 4.56 shall apply as indicated to each use permitted in an I District unless otherwise specifically provided.

Section 4.56. AREA, YARD AND HEIGHT REQUIREMENTS  
IN AN I RESTRICTED INDUSTRIAL DISTRICT (TABLE)

<u>Requirement</u>	<u>C District Uses</u>	<u>All Other I District Uses</u>
<b>LOT AREA:</b>		
Minimum Lot Area	See Section 4.26	3 Acres
Minimum Lot Width	"	300 Feet
<b>LOT COVERAGE:</b>		
Maximum Lot Coverage	See Section 4.26	25%
Minimum Landscaped Area	"	25%
<b>BUILDING:</b>		
Minimum Building Size	See Section 4.26	2500 square feet of usable ground floor area
Maximum Building Height	"	35 feet

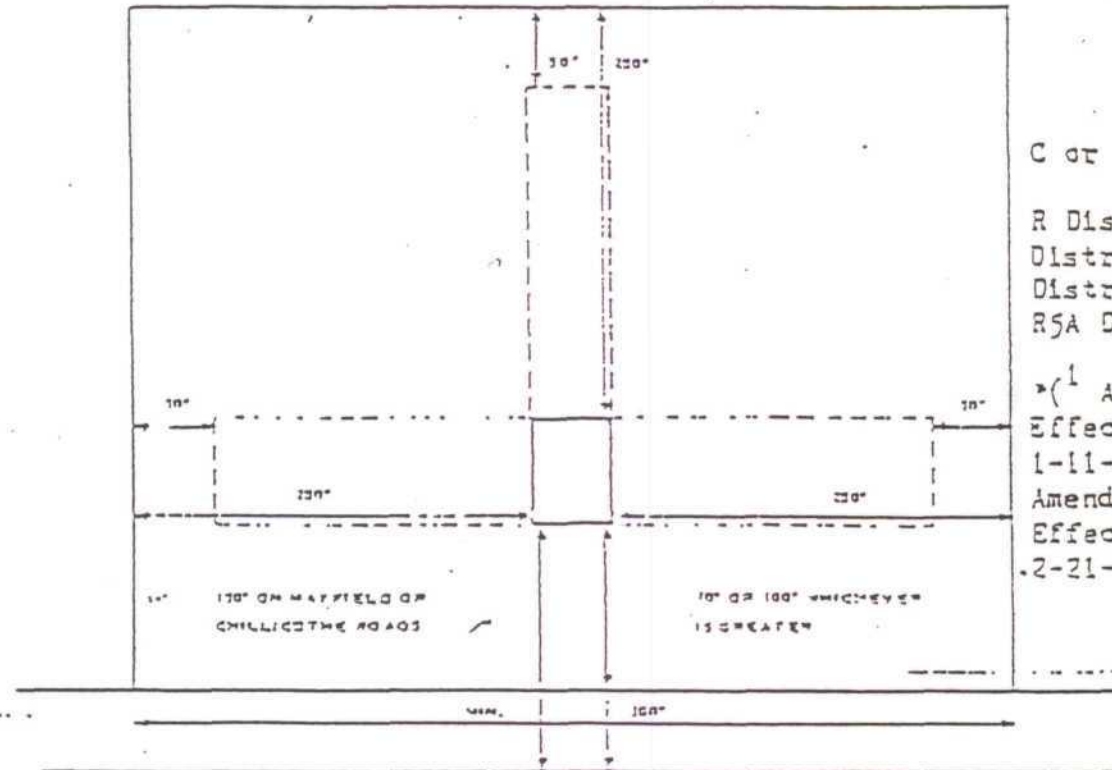
CORNER LOT



SAME AS  
INTERIOR LOT

FRONT STREET

INTERIOR LOT



C or I District

R District\*, R2  
District\*, R3A  
District, and  
R5A District

\*<sup>(1)</sup> Amend. Z-74-1,  
Effective Date  
1-11-75. Deleted:  
Amend. Z-75-4,  
Effective Date,  
2-21-76)

LANDSCAPED AREA, NO PARKING PERMITTED

ILLUSTRATION OF I-DISTRICT YARD REQUIREMENTS

Section 4.56 (continued)

<u>Requirement</u>	<u>C District Uses</u>	<u>All Other I District Uses</u>
<b>FRONT YARDS:</b>		
Lots on Mayfield or Chillicothe Roads	See Section 4.26	150 feet from center line
Lots on all other roads	"	70 feet from right-of-way or 100 feet from center line, whichever is greater
<b>SIDE AND REAR YARDS:</b>		
Lots Adjoining R District*, R2 District <sup>2</sup> , R3A District, RSA District <sup>1</sup> .	See Section 4.27	See Section 4.58
*( <sup>1</sup> Amend, Z-74-1, Effective date 1-11-75.		
<sup>2</sup> Deleted: Amend. Z-75-4, Effective date, 2-21-76)		
Lots Adjoining or Within C or I Districts	See Section 4.26	50 Feet

Section 4.57. GENERAL AREA REGULATIONS. Subject to the provisions of Section 2 and 4.56, the following regulations shall apply in an I District.

- a. The lot area shall be the area of any lot, or lots, comprising a development, excluding the right-of-way of an existing, or planned and duly approved future street, or planned street widening, and it shall be construed to encourage larger parcels for each development so as to provide space for expansion of main and accessory uses. If an industrial development of not less than twenty-five (25) acres is planned and submitted for approval as provided in Section 4.61, the lot areas set forth in Section 4.56 may be construed as average lot areas and up to twenty (20) percent of the lots may be less than the minimum lot area set forth, provided all other regulations are complied with.
- b. The lot width shall be the minimum distance any lot abuts a street line or the average width of any lot, whichever is less, and it shall be construed to encourage wider lots for each development.
- c. The lot coverage shall be the total ground floor area of all proposed and future buildings that cover any lot, and it shall be construed to encourage lower coverage initially so that the establishment may expand.

- d. The landscaped areas shall be that part of any lot which is not covered by buildings, parking areas, driveways or similar permitted outdoor use, and it shall be construed that it may be necessary to further increase the landscaped areas in providing the yards required under Sections 4.56, 4.58, or 4.59. The landscaped areas shall be developed and maintained as lawns along with trees and shrubs, or maintained in an orderly natural state.

Section 4.58. YARDS ADJOINING AN R DISTRICT\*, R2 DISTRICT<sup>2</sup>, R3A DISTRICT, RSA DISTRICT<sup>1</sup>. Where the boundary line of an I District adjoins the boundary line of an R District\*, R2 District<sup>2</sup>, R3A District, RSA District, the side or rear yard, as the case may be, shall be two hundred fifty (250) feet. No parking or paved area, roadway, lighting or other similar development shall be less than thirty (30) feet from any adjoining boundary of an R District\*, R2 District<sup>2</sup>, R3A District, RSA District, and no loading ramp shall be less than 100 feet from said boundary. A solid wall not exceeding six (6) feet in height or a strip of land at least ten (10) 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 planting shall be at least five (5) feet in height, except as provided in Section 4.59. All required screening shall be maintained in good condition at all times. \*(<sup>1</sup>Amend. Z-74-1, Effective date, 1-11-75. <sup>2</sup>Deleted: Amend. Z-75-4, Effective date, 2-21-76)

Section 4.59. 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 wall, planting or fence 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 4.60. PERFORMANCE STANDARDS. Every performance standard set forth herein, if deemed applicable by the Commission, shall be complied with as a condition to the issuance of a zoning certificate for any use in an I District and is subject to Section 7. The cost of studies needed to show compliance with any performance standard shall be borne by the individual, firm or corporation occupying the site at the time such studies are required by the Commission.

- a. Enclosure. All permitted main and accessory uses and operations shall be performed wholly within an enclosed building or buildings. All raw materials, finished products, mobile and other equipment shall be stored within buildings, with the exception that outdoor overnight parking of cargo carriers in the process of loading or unloading shall be permitted.
- b. Fire and Explosive Hazards. The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, and all

operations in connection therewith shall be provided with adequate safety and protective devices against hazards or fire and explosion as well as with adequate fire-fighting and suppression equipment and devices standard to the operation involved. The latest edition of the American Insurance Association "Fire Prevention Code" is hereby established as a guide in determining the adequacy of safety and protective devices.

- c. Waste Materials. No Discharge shall be permitted at any point, into any private sewage disposal system, or stream, or into the ground, of any materials in such a way or of such nature or temperature as can contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Ohio State Department of Health, Geauga County Board of Health, Water Pollution Control Board, or, in the event that these agencies have not jurisdiction over the particular use involved, then standards equivalent to those approved by such agencies for similar uses shall apply. Solid wastes shall be stored in structures pending disposal and no accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.

A separate storm sewer system, approved by applicable County and State agencies, shall be provided to receive storm water.

- d. Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines (Power's Micro-Ringelmann Chart, McGraw-Hill Publishing Company, 1954, may be used), except that visible grey smoke of a shade not darker than No. 2 on said Chart may be emitted for not more than four (4) minutes in any thirty (30) minutes. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.
- e. Fly Ash, Dust, Fumes; Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, to animals or vegetation, or other forms of property, or which can cause any excessive soiling at any point, and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) percent excess air.

- f. Noise. The sound pressure level of any operation on a lot, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of street traffic noise at the nearest residential lot line, and no sound shall be objectionable due to intermittence, beat frequency, or shrillness.
- g. Vibration. No vibration shall be permitted which is discernible to the human sense of feeling for three (3) minutes more duration in any one (1) hour of the day between the hours of 7 a.m. and 7 p.m. or thirty (30) seconds or more duration in any one hour between the hours of 7 p.m. and 7 a.m. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting", on any structure. The methods and equations of said bulletin No. 442 shall be used to compute all values for the enforcement of this standard.
- h. Heat, Cold, Movement of Air or Dampness. No activities shall be permitted which shall produce any material effect on the temperature, motion, or humidity of the atmosphere at the lot line or beyond.
- i. Radioactive or Electrical Disturbance. No activities which emit dangerous radioactivity shall be permitted at any point. Radioactive or electrical disturbances shall not be created which would adversely affect any equipment at or beyond the boundaries of the lot occupied by the use.
- j. Odor. No emission of odorous gases or other odorous matter in such quantities as to be offensive at or beyond the boundaries of the lot occupied by the use shall be permitted. Any process which may involve the creation of emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table 111 (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual", copyright 1951 by Manufacturing Chemists' Association, Washington, D.C.
- k. Glare. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to create a public nuisance at or beyond the boundaries of the lot occupied by the use shall be permitted. All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause glare which would be hazardous to auto drivers or would be objectionable to users of adjacent property.

Section 4.61. DEVELOPMENT PLANS. A preliminary and final Development Plan shall be prepared by the developer, or his agent, for all land development proposed in an I District and submitted to the Commission for review and approval in accordance with the following regulations.

- a. Plans for development shall be drawn at a scale no smaller than one hundred (100) feet to the inch and shall include:
  1. Survey: property and topography, showing land owned and proposed for development, surrounding streets and the adjoining lots.
  2. Buildings: locations, size, height and use of all proposed main and accessory buildings; the general design, materials and color; and the nearest buildings on adjoining lots.
  3. Traffic: proposed system of on-site vehicular circulation, details for access-ways to streets, methods for control of traffic and type of pavement.
  4. Parking Areas: layout and estimate of number of spaces, landscaping and other design features and type of pavement.
  5. Utilities: location, size and grade for all utility installations and connections to present or proposed facilities.
  6. Other Site Developments: including grading and drainage, design of landscaped yards, planting areas and buffers and adjoining residential areas; and the size, location and type of all outdoor signs and exterior lighting.
- b. Approval of Plans. The preliminary Development Plan shall be submitted to the Commission for study and review to determine whether the plan conforms with the provisions of the regulations set forth in this Section, or how it may be revised to conform therewith.
  1. If the preliminary Development Plan, together with any modifications thereof proposed by the developer, or his agent, is found by the Commission to be in accord with the requirements of this Section, it shall approve such preliminary Development Plan within two (2) months from the date of the meeting when all required plans and data were received; if not found to be in agreement therewith, the Commission shall recommend revisions to be made by the developer, or his agent.
  2. Upon approval of a preliminary Development Plan, the developer, or his agent, may prepare a final Development Plan and submit it to the Commission. If the

proposed final Development Plan is found to comply with and represents a detailed expansion of the preliminary Development Plan as previously approved and complies with any conditions which may have been imposed in the approval of the preliminary Development Plan, and complies with all applicable provisions of this Section, the final Development Plan shall be recommended to the Trustees within fifteen (15) days from the date of the meeting when all required plans and data were received for filing by the Commission. Within thirty (30) days of receiving the Commission's recommendation of the final Development Plan, the Trustees shall approve, disapprove or modify the final plan. The developer or his agent may then apply for a zoning certificate if the final Development Plan is found to comply with other applicable regulations of Chester Township, Geauga County and other applicable agencies.

- c. The final Development Plan may be revised by the developer, or his agent, and resubmitted through the same procedure required for the original preliminary and final Development Plan. Failure to begin the construction of all or a substantial portion of the improvements approved by the final Development Plan within one (1) year after the issuance of a Zoning Certificate shall make null and void the plan as approved unless an extension of time is granted by the Trustees.

SECTION 5  
NON-CONFORMING USES

Section 5. GENERAL APPLICATION. A non-conforming use of a non-conforming building or structure may be continued but a non-conforming use, building or structure shall not be enlarged or extended, nor shall any structural alteration be made to any such non-conforming building or other structure or to any building or 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) exchanged to or replaced by a conforming use, the building, other structure or land 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 such building, other structure or lot is located. Intent to resume active operations shall not affect the foregoing.

Section 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:

- a. 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.
- b. 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.
- c. 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 exceed 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 any 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 or 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 permit, after public hearing, the extension of the floor area or the land area of a non-conforming use or of a non-conforming building but not of any other non-conforming structure, to the amount not to exceed 10% of the floor area or land area presently in non-conforming use. Only one such extension shall be granted.

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 and (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 and repair of a building or other structure containing a non-conforming use, or of a non-conforming building or structure.

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

- a. When required by law.
- b. Pursuant to the provisions of Section 5.4.
- c. To convert to a conforming use.
- d. A 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.

Section 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, such 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 as 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 lot 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 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 hard-surfaced all-weather material.

Section 6.4. OFF-STREET PARKING SPACE REQUIREMENTS. Each use listed in the left hand column of this Section shall provide off-street parking spaces in an amount listed in the corresponding right-hand column.

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

<u>Uses</u>	<u>Required Spaces</u>
a. Residential Uses and Residential-Business Uses:	
1. Dwelling	Two (2) for each dwelling unit.
2. 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.

<u>Uses</u>	<u>Required Spaces</u>
3. Hotels	One (1) for each dwelling unit, plus one (1) for each four (4) guest rooms, plus one (1) for each three (3) employees.
4. Motels	One (1) for each guest room, plus one (1) for each operator and one (1) for each employee.
5. Tourist Homes	One (1) for each guest room, plus one (1) for each two (2) employees.
6. Home Occupations	Four (4) for each establishment.
b. Schools:	
1. Elementary and Junior High Schools	One (1) for each two (2) staff members and other employees. See also requirements for Auditoriums, Gymnasiums and Stadiums.
2. Senior High Schools	One (1) for each two (2) staff members and other employees, plus one (1) for each twelve (12) seats in a classroom based on planned classroom capacity. See also requirements for Auditorium, 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.

<u>Uses</u>	<u>Required Spaces</u>
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.
2. Clubs and Lodges, including Fraternity and Sorority Houses without sleeping accommodations.	Total parking area equal to one-half ( $\frac{1}{2}$ ) the gross floor area.
3. Golf Clubs	Eight (8) for each green.
4. Golf Driving Ranges	Two (2) for each driving tee, plus one (1) for each operator, and one (1) for each employee.
5. Archery Ranges	Two (2) for each target, plus one (1) for each operator, and one (1) for each employee.
6. Libraries and Museums	One (1) for each employee, plus one (1) for each two hundred (200) square feet of gross floor area.
7. Places of Worship	One (1) for each six (6) seats.
8. Community Centers	One (1) for each one hundred fifty (150) square feet of gross floor area, plus one (1) for each employee.
e. Retail Sales Uses:	
1. Bars, Taverns, Restaurants, Luncheonettes, Cafeterias, Boarding Houses, and other eating 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 capacity, whichever is greater.

Uses

Required Spaces

2. Establishments for the sale of Boats, Farm Implements, Furniture, Gymnasium Supplies, Hospital Supplies, Office 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.

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

For establishments having less than two thousand (2,000) square feet of gross floor area, one (1) for each seven hundred (700) 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 five hundred (500) square feet of gross floor area.

4. Food stores

For establishments having less than two thousand (2,000) square feet of gross floor area, one (1) for each five hundred (500) square feet of gross floor area.

For establishments having two thousand (2,000) square feet of gross floor area, up to and including four thousand (4,000) square feet of gross floor area, one (1) for each three hundred (300) square feet of gross floor area.

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

5. Garden supplies and other outdoor retail sale uses. (Refer to Z-91-2: effective date 12-14-91 in back of book.)

\*Minimum five percent (5%) of lot size

Maximum twenty-five percent (25%) of lot size

\*Amend. Z-74-2, effective date, 3-21-75.

<u>Uses</u>	<u>Required Spaces</u>
6. Gasoline Service Stations	One (1) for each one hundred (100) square feet of gross floor area.
7. Used Car Lots	Total parking area equivalent to twenty-five (25%) percent of the gross lot area.
8. Wholesale Establishments	One (1) for each one thousand (1,000) square feet of gross floor area.
f. Retail Service Uses:	
1. Banks; Business and Professional Office Buildings	One (1) for each three hundred (300) square feet of gross floor area.
2. Medical or Dental Offices, and Medical or Dental Laboratories	Five (5) for each doctor or dentist, plus one (1) for each two (2) employees, or one (1) for each one hundred fifty (150) square feet of gross floor area, whichever is greater.
3. Automobile Laundries	One (1) for each fifty (50) square feet of gross floor area.
4. Funeral Homes	Four (4) for each slumber room, chapel, or parlor, or one (1) for each fifty (50) square feet of floor area of assembly rooms, whichever is greater, plus one (1) for each vehicle maintained on the premises.
5. Automobile Repair and Service Garages	One (1) for each five hundred (500) square feet of gross floor area.
6. Bowling Alleys	Seven (7) for each lane.
7. Indoor Theaters	One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.
8. Other Indoor Amusements Uses	One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.

<u>Uses</u>	<u>Required Spaces</u>
9. Other Retail Service Uses	One (1) for each three hundred (300) square feet of gross floor area.
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 (3) employees.
2. Township and other Governmental Buildings	One (1) for each three hundred (300) square feet of gross floor area.
h. For All Uses Which Are Permitted in Industrial Districts Only:	
1. Storage or Warehouse Uses	One (1) for each two (2) employees expected to be on the premises during the largest work shift period, or total parking area equivalent to ten (10%) percent of the gross floor area, whichever is greater.
2. Coal, Lumber, Contractors, or other open storage uses	One (1) for each employee plus space equal to fifteen (15%) percent of the gross lot area.
3. Other Permitted Industrial Uses	One (1) for each two (2) employees expected to be on the premises during the largest work shift period, or total parking area equivalent to twenty-five (25%) percent of the gross floor area, whichever 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.

Section 6.5. SIZE OF SPACE. 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 the parking spaces, they shall have an unobstructed width of at least twenty (20) feet.

Section 6.6. SURFACING. The off-street parking spaces, maneuvering areas and access driveways for all uses except places of worship shall be surfaced with an impervious all-weather material such as concrete, asphaltic concrete, asphalt or other similar hard-surfaced all-weather material. For places of worship, surfacing may be provided with crushed slag, washed gravel or similar surfacing material. Such spaces, areas and driveways shall be graded for proper drainage so that all water is drained within the lot and no water be permitted to flow on to adjoining streets or other property.

Section 6.7. LIGHTING. Where lighting is provided for accessory off-street parking spaces, it 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.

Section 6.8. JOINT FACILITIES. Accessory off-street parking spaces required for two (2) or more uses located on the same lot or parcel may be combined and used jointly by such uses, provided that the parking spaces provided shall be equal to the total number of accessory off-street parking spaces required by all such uses.

Section 6.9. SALE OF FUEL AND REPAIRS. The sale of automotive fuels and accessories and the furnishing of repairs or services of any kind for motor vehicles shall not be permitted.

Section 6.10. LOCATION AND MAINTENANCE.

- a. Accessory off-street parking spaces shall not be permitted within ten (10) feet of any street right-of-way line.
- b. Accessory off-street parking spaces shall be provided with wheel or bumper guards that are so located that no part of a parked vehicle will extend beyond such parking space.

Section 6.11. SCREENING. Where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that is adjacent to a residence district or that adjoins a building containing dwelling units, such parking spaces shall be screened from all adjoining lots in the residence district or a building containing dwelling units, including such districts and buildings across a street, by an opaque wall, a uniformly painted fence of fire resistant material, or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense year-round screen. Such wall, fence or shrubs shall be at least four (4) feet in height. 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 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.

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 certification 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 newspapers 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 the addresses listed on the current County tax list or Treasurer's mailing list or other list specified by the County Commissioners at least twenty (20) days before the public hearing. The failure of delivery of such written notice shall not invalidate any amendment 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 of some 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 and 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 forth the 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 of petition is presented to the Trustees signed by a number of qualified voters residing in the incorporated 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%) percent 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 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 of 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 enforcement of the provisions of this resolution shall be vested in the Office of zoning inspector, hereby created. The zoning inspector and his assistants shall be appointed by the Board of Township Trustees who shall fix their tenure and compensation. The Township Zoning Inspector before entering upon his duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code.

In addition to the duties set forth in Section 7.4, the Township Zoning Inspector shall:

- a. Receive, keep and preserve all applications for zoning certificates.
- b. Keep and preserve a record which shall include:
  1. The date an application was received.
  2. The date it was acted upon.
  3. All actions taken by him with respect to applications for zoning certificates.
  4. The actions taken by the Board of Zoning Appeals, if any.

- c. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
- d. Order discontinuance of any use of land, buildings or structures in violation of any provision of the Resolution.
- e. Take any action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this resolution.

(From \*, Amend. Z-78-4, effective date 8-12-78)

\*Section 7.3 ZONING CERTIFICATE. For the purpose of enforcing the provisions of this resolution, there is hereby established a system of zoning certificates to be administered by the zoning inspector, his deputies and assistants.

A zoning certificate shall be required before:

- a. Locating, erecting, constructing, reconstructing, changing the use of, enlarging or structurally altering any new or existing building or structure, including accessory buildings and structures, or signs; or
- b. Changing the use of any existing building or structure; or
- 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 use for agricultural purposes; or
- b. Any building or structure used for public utility or railroad purposes.

(From \*, Amend. Z-78-4, effective date 8-12-78)

Section 7.4. APPLICATION FOR ZONING CERTIFICATES. Application for a zoning certificate shall be made in writing on the form provided by the Township and shall be signed by the applicant, attesting to the truth and accuracy of all information supplied on the application, before a Notary Public or other official legally capable of administering oaths and taking affidavits.

Applications shall be made to the Township Zoning Inspector and shall include, as a minimum, the following information:

- a. Name, address and phone number of the applicant.

- b. Size and location of the property.
- c. Existing use of the property.
- d. Proposed use of the property.
- e. The zoning district in which the property is located.
- f. A sketch, drawn to scale, showing the actual dimensions and the shape of the lot to be build upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alterations.
- g. Any change in the use of a building or land.
- h. Building height.
- i. The dimensions of all yard and open spaces.
- j. Number of off street parking spaces or industrial berths for commercial or industrial uses.

Within thirty (30) days after receipt of an application for a zoning certificate, the Zoning Inspector shall approve or disapprove the application in conformity with the provisions of this Resolution.

If an application is denied, the Zoning Inspector shall notify the applicant in writing within ten days of such denial, setting forth the reasons for such denial.

Section 7.5. FEES FOR ZONING CERTIFICATES. (See Zoning Fee Schedule, Effective September 30, 1990, in back of book)

Section 7.6. VOID CERTIFICATES. A zoning certificate shall be void if:

- a. Issued because of an error by a Township official or was issued for whatever reason, not in conformance with the terms of this Zoning Resolution or any applicable amendment thereto.
- b. The terms and conditions contained in the certificate are not performed, or
- c. The certificate was issued upon a false statement of any fact material to the issuance thereof, or
- d. 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 Zoning Inspector, the zoning certificate shall be revoked.
- e. Zoning certificate are not transferrable.

Written notice of such revocation shall be either by personal 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 not in conformity with the provisions of the Resolution shall cease and 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, constructed, reconstructed, enlarged, changed, maintained, or used, and no land may be used in violation of this Resolution or any amendment or supplement thereto -- whether or not a zoning certificate has been issued.

- a. 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 the Resolution, the Trustees, the County Prosecuting Attorney, the Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged may institute injunction, mandamus, abatement or any other appropriate action or proceeding, in addition to other remedies provided by law, to prevent any violation on this Resolution. The Trustees may 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 dollars (\$100). Each and every day of violation may be deemed a separate offense.

#### BOARD OF ZONING APPEALS

- 7.8 BOARD OF ZONING APPEALS. In accordance with the Ohio Revised Code there is created and established the Chester Township Board of Zoning Appeals, composed of five (5) members, all of whom shall be residents of the Township.

TERMS. The Board shall be appointed by the Trustees for terms of five (5) years each, but so that the term of one (1) member shall expire each year.

MEMBERS. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Trustees and shall be 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.

ASSISTANTS. The Board may, within the limits of the moneys appropriated by the Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

- 7.9 POWERS OF THE BOARD. The Board of Zoning Appeals, as a body of limited jurisdiction, shall act in conformity with all provisions of the Ohio Revised Code and of this Resolution and in strict compliance with all limitations contained therein.

The Board of Zoning Appeals may:

- A. APPEALS. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of sections 519.02 to 519.25 of the Ohio Revised Code and of this resolution.
- B. VARIANCES. Authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, or, where applicable, practical difficulties, and so that the spirit of this resolution shall be observed and substantial justice done.
- C. CONDITIONAL ZONING CERTIFICATES. Grant conditional zoning certificates for the use of land, buildings, or other structures in accordance with this Resolution.
- D. 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 I 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 of this Resolution 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:

1. Will not create a hazard to health, safety, morals or general welfare;
2. Will not be detrimental to the neighborhood or to the residents thereof; and
3. Will not otherwise be detrimental to the public convenience, welfare and environment.

E. 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 township zoning inspector. 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; or
2. 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 of this Resolution.

F. VARIANCES. Where strict compliance with the provisions of this Resolution would result in unnecessary hardship or practical difficulty, the Board shall have the power to grant a variance in accordance with this Resolution. Written justification for a variance shall be made by the appellant and the Board shall determine if the proposed variance involves an "area" variance or a "use" variance.

1. STANDARDS FOR AN "AREA" VARIANCE: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following:
  - a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - b. Whether the variance is substantial;
  - c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

- d. Whether the variance would adversely affect the delivery of governmental services;
  - e. Whether the property owner purchased the property with the knowledge of the zoning restrictions;
  - f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
  - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;
  - h. Such other criteria which the Board believes relates to determining whether the zoning regulation is equitable.
2. STANDARDS FOR A "USE" VARIANCE. The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following:
- a. Why the variance from the terms of the Zoning Resolution will not be contrary to the public interest;
  - b. Because of what special conditions will an unnecessary hardship result from a literal enforcement of the zoning regulations;
  - c. What the unnecessary hardship is which will result from a literal enforcement of the zoning resolution owing to the special conditions set forth in sub-paragraph "b" above;
  - d. How the spirit of the zoning resolution will be observed if the variance is granted; and
  - e. Why substantial justice will be done if the variance is granted.
3. WRITTEN JUSTIFICATION. Written notices of appeal shall be made on forms provided by the township zoning inspector and shall be signed and dated by the appellant or his\her authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language:

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

All completed notices of appeal shall be filed with the Township Zoning Inspector and the Board of Zoning

Appeals and shall include, at a minimum, the following information:

- a. The name, address and telephone number of the appellant;
- b. The name, address and telephone number of the owner of record.
- c. The address of the property, if different from the appellant's current address.
- d. Documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease or purchase agreement, and notarized signature of the legal owner or explanation why same cannot be obtained).
- e. A legal description of the property, as recorded with the Geauga County Recorder.
- f. The current zoning district in which the property is located.
- g. A description of the existing use of the property.
- h. A description of the proposed use of the property.
- i. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
  - (1) The dimensions (in feet) of all property lines and the total acreage of the property;
  - (2) The dimensions (in feet) of existing buildings or structures on the property, if any;
  - (3) The setback (in feet) from all property lines of existing buildings or structures on the property, if any;
  - (4) The dimensions (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;
  - (5) The total amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;
  - (6) The setback (in feet) from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;

- (7) The height (in feet) of existing buildings or structures on the property;
  - (8) The height (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;
  - (9) The name and location of the existing road(s), public and private, adjacent to the property;
  - (10) The number of dwelling units existing (if any) and proposed for the property;
  - (11) The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed;
  - (12) For commercial and industrial uses: the location, dimensions (in feet) and number of loading\unloading spaces;
  - (13) The location and dimensions (in feet) of any existing or proposed easements on the property.
- j. The number of the application for the zoning certificate.
- k. The appeal fee, as adopted by the Township Trustees.
- l. All notices of appeal for signs shall include, at a minimum, the following information:
- Two (2) copies of a drawing or map, drawn to scale with a north arrow and date, showing:
- (1) The dimension (in feet) of the sign;
  - (2) The area of the sign per sign face in square feet;
  - (3) The location of the sign on the building, structure, or property including dimensions (in feet) from the front and side lot lines;
  - (4) The height (in feet) of the sign;
  - (5) The method of illumination, if any;
  - (6) The content of the sign.
- m. For notices of appeal alleging error by the Zoning Inspector, a written statement shall be made by the appellant or his\her authorized representative relative to the alleged error made by the Zoning Inspector in his\her determination of the application for the zoning certificate.

- n. For notices of appeal requesting a variance, the appellant or his\her authorized representative shall provide the following:
- (1) A statement relative to the exact nature of the variance requested;
  - (2) The specific zoning regulation(s) shall be cited from which the variance is requested;
  - (3) Written justification for the requested variance shall be made. If the request is for an "area" variance, responses to the following shall be provided:
    - (a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
    - (b) Whether the variance is substantial;
    - (c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
    - (d) Whether the variance would adversely affect the delivery of governmental services;
    - (e) Whether the property owner purchased the property with the knowledge of the zoning restriction;
    - (f) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
    - (g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; and
    - (h) Such other criteria which relate to determining whether the zoning regulation is equitable.
  - (4) Written justification for the requested variance shall be made. If the request is for a "use" variance, responses to the following questions shall be provided:
    - (a) Why the variance from the terms of the zoning resolution will not be contrary to the public interest?

- (b) Because of what special conditions will an unnecessary hardship result from a literal enforcement of the zoning resolution?
- (c) What is the unnecessary hardship which will result from a literal enforcement of the zoning resolution owing to the special conditions set forth in the preceding question?
- (d) How will the spirit of the zoning resolution be observed if the variance is granted?
- (e) Why will substantial justice be done if the variance is granted?

G. **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 generating 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 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 further the purpose of this Resolution be provided and maintained as a condition to the establishment of any use to which they are appurtenant.
4. 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 districts 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.

H. NON-CONFORMING USES. The Board shall have the power to permit the extension or change of certain non-conforming uses as provided in Section 5 of this Resolution.

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. Such record shall be recorded by the secretary or recording secretary, and shall not necessarily be verbatim, but any party, at his own expense shall be permitted at any hearing to take and furnish a verbatim record to the Board, which if certified as correct by the Board, shall, together with all other documents, evidence and written or recorded decisions of the Board, constitute the record of such proceedings. 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 public record.

- \*c. Any aggrieved person or Township officer affected by any decision of the administrative officer may take an appeal to the Board by filing a notice of appeal with the Board and the officer from whom the appeal is taken and paying to the Board the fees as prescribed in Section 7.10 g.  
(From \*, Amend. Z-71-3, effective date 1-1-72)

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, in addition to compliance with the rules and forms adopted by the Board, shall set forth the full circumstances of the case referring to the specific provision of the Resolution that is involved, and shall exactly set forth either the interpretation that is claimed, or the details of the variances applied for and the grounds relied upon or 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.

d. 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 one 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.

e. 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 may 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 granting 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 and with all representations presented to the Board of Appeals unless an extension shall be granted by the Board because of unforeseen conditions at the time of the granting of such certificate or variance.

\*g. Fees for Appeals

Refer to Zoning Fees, Effective September 30, 1990  
in back of book

Section 7.30. ARCHITECTURAL REVIEW BOARD. Deleted per Amend. 2-72-4, effective date, 8-12-78.

Section 7.31. FUNCTION OF ARCHITECTURAL REVIEW BOARD. Deleted per Amend. Z-72-4, effective date, 8-12-78.

Section 7.32. PROCEDURE. Deleted per Amend. Z-78-4, effective date, 8-12-78.

Z-80-1 Amendment to Chester Township Zoning Resolution

SECTION 5.4 EXTENSION

The Board of Zoning Appeals may permit, after public hearing, the extension of the floor area or the land area of a non-conforming use or of a non-conforming building but not of any other non-conforming structure, to the amount not to exceed 10% of the floor area or land area presently in non-conforming use. Only one such extension shall be granted.

This provision shall not apply to the extension of the floor area of a non-conforming residential building where such extension conforms in every other respect, except minimum lot size and setback regulations, to applicable yard and heights regulations of the district in which it is located.

(Underlining denotes addition to the original)

Approved 5\1\80

Z-93-1 Amendment to Chester Township Zoning Resolution

In Z-80-1 Amendment to Chester Township Zoning Resolution, Section 5.4 Extension, delete the phrase "to the amount not to exceed 10% of the floor area or land area presently in non-conforming use" and the sentence "Only one such extension shall be granted." Also, delete the paragraph which begins "This provision shall not apply, etc."

Amendment Z-80-1 as corrected follows:

The Board of Zoning Appeals may permit, after public hearing, the extension of the floor area or the land area of a non-conforming use or of a non-conforming building but not of any other non-conforming structure.

AMENDMENT Z-8i-1

Section 2.48.1 (addition) SCREENING

A strip of land planted with shrubs or trees which shall need a year-round dense screen.

Section 4.211 (revision) SCREENING FOR LANDSCAPING BUSINESS

1. Landscaping materials other than plants, trees and shrubs are to be kept in an area surrounded by screening.
  - a. This screened area shall be located within the required building lines; however, in no instance shall said screened area be located in front of the closest existing building on subject lot to the street.
  - b. The screening shall be of sufficient height to screen the materials from view of the road in front of the property and at abutting property lines.
    - i. Screening consisting of a solid wall or a solid fence shall have a minimum height of six (6) feet and may only be erected at or within the building lines.
    - ii. Screening consisting of planted shrubs or trees shall have a minimum height of six (6) feet. Landscaping inventory items of balled and burlapped shrubs and trees may be substituted for planted trees and shrubs. Said screening may extend to side and rear lot lines.
    - iii. The height of all screening shall be measured from ground level.

Section 4.211 (revision) SCREENING FOR LANDSCAPING BUSINESS (cont'd)

- c. The screening shall be of sufficient density to shield from view all non-living landscaping materials. Said screening, if living materials, may extend to the lot lines.
  - d. The required screening shall be maintained in good condition at all times.
  - e. No signs shall be permitted to be attached to or hung from the required screening.
  - f. Any trees, shrubs or plants offered for sale located within twenty-five (25) feet of an intersection of two (2) or more streets or the intersection of any access driveway and a street shall have a maximum height not to exceed (3) feet, all measurements from road right-of-way boundaries.
2. All vehicles, machinery and equipment shall be stored within buildings or the screened area when not in use.
  3. A buffer area of twenty-five (25) feet in width, planted with evergreen-type trees, to form a year-round dense screen, shall be maintained along a lot line which is a boundary of all R Districts.

Recreation Facilities. The installation of tennis courts, skating rinks, and above the ground pools located on the property shall not be required to have a zoning permit in a residential area provided such facility does not exceed 1,200 square feet in area and is located in the rear yard, shall be located more than twenty-five (25) feet from the rear lot line, and shall not encroach into either side yard.

Z-81-3 Amendment to Chester Township Zoning Resolution

Section 4.1 Permitted Uses

RECREATION FACILITIES. The installation of tennis courts, skating rinks, and above the ground pools located on the property shall not be required to have a zoning permit in a residential area provided that such facility in the case of a tennis court does not exceed 7,200 square feet and in the case of a skating rink or an above the ground pool does not exceed 1,200 square feet in area and further, that any such facility shall be located in the rear yard, and shall be located more than twenty-five (25) feet from the rear lot line, and shall not encroach into either required side yard.

Approved 12/23/81

Z-82-2 Amendment to Chester Township Zoning Resolution

SECTION 4.44.5 CONDITIONAL USES

Subject to the provisions of Section 7.9d, the Conditional Uses as specified and regulated in Section 4.44.5a may be permitted in a Shopping Center District with the approval of the Board.

GAMEROOMS -- A gameroom may be established and operated subject to the following conditions:

1. No more than 25 per cent of the net floor area of gameroom(s) or game area(s) shall be occupied by tables, machines, games or amusement devices. The remaining 75 per cent of the net floor area shall be devoted to aisles, walk ways and open spaces.
2. SUPERVISION. Each operator of a gameroom shall provide one or more responsible adults, twenty-one (21) years of age or older, as a supervisor(s) who shall be readily identifiable and on duty at all times when the gameroom equipment is operated in operating condition or otherwise opened for business. Such supervisor shall maintain the decorum of the gameroom and keep the aisles free for passage throughout the gameroom.

DEFINITIONS:

SECTION 2.23.45 GAME AREA. A "Game Area" means that portion of the net floor area of a gameroom which is devoted for the use of amusement devices and the required aisles, walk ways and open spaces.

SECTION 2.23.5 GAMEROOM. A "Gameroom" means any premises other than a residence upon or within which there is located more than three (3) billiard tables, pinball machines, electronic or mechanical games or other amusement devices, or any combination thereof.

SECTION 2.4.25 AMUSEMENT DEVICE. An "Amusement Device" shall mean a machine or device which operates or may be operated for use as a game, contest or amusement of any description or which may be used for any such game, contest or amusement, the use of which requires payment. Juke boxes and machines vending cigarettes and other products are excluded from this definition.

SECTION 2.43.5 NET FLOOR AREA. The "Net Floor Area" of a building is the sum of the horizontal area of a floor or of the several floors of the building, measured from the interior faces of exterior walls or wall separating two (2) or more buildings. Interior walls within the horizontal area shall be included in the calculation for net floor area.

Effective Date: December 18, 1982

RESOLUTION TO AMEND THE CHESTER TOWNSHIP ZONING RESOLUTION TO PROVIDE THAT CHURCHES SHALL BE A CONDITIONAL USE IN THE R, R3A AND R5A RESIDENTIAL DISTRICTS.

WHEREAS, Chester Township presently has fourteen churches located within the Township Limits; and

WHEREAS, the Zoning Commission and Board of Township Trustees both consider it essential that the effects of churches on neighboring residential properties be reasonably controlled;

NOW, THEREFORE BE IT RESOLVED THAT THE CHESTER TOWNSHIP ZONING COMMISSION MOVES TO INITIATE THE FOLLOWING RESOLUTION AMENDMENT Z-83-1:

SECTION 1. Section 4.13 of the Chester Township Zoning Resolution is hereby enacted to read as follows:

4.13 CHURCHES AS CONDITIONAL USE.

Subject to the provisions of Section 7.9 d., churches may be permitted by the Board of Zoning Appeals as a conditional use in the R, R3A and R5A Residential Districts, subject to the following conditions:

- a. Building or Premises Use. No part of any building or land used for church purposes shall be used for business, commercial use or nonchurch related activities.
- b. Location. No church shall be located closer than one-quarter mile from any other place of assembly as defined in the Ohio Basic Building Code.
- c. Frontage. The minimum front lot line of a church shall be 350 feet, except for a corner lot where the minimum front and side lot lines shall be 425 feet each.
- d. Driveways. No church entrance or exit driveway shall be located within 300 feet of any intersecting right-of-way as measured from the right-of-way line. Only ingress and/or egress drives shall be permitted in the front, side or rear yard.
- e. Yards. The minimum side and rear yard setback line of any church shall be 100 feet. The minimum front yard setback line shall be 200 feet of the line joining the front building lines of adjoining properties, whichever is the greater distance. Required front, side and rear yards shall be landscaped and maintained in a satisfactory condition.
- f. Height. The maximum church building height shall be the same as is specified for the district in which the church is proposed to be located, subject to the exception for church spires as provided in Section 3.9.

- g. Lot Area. The minimum church lot size shall be the same as is specified for the district in which the church is proposed to be located. Not less than forty per cent (40%) of the lot area shall be landscaped and maintained in a satisfactory condition. All buildings or structures including driveways and parking areas shall not exceed 60% of lot coverage.
- h. Parking. The minimum required off-street parking spaces for each church shall be one space per six seats located in the main assembly hall or sanctuary. Off-street parking spaces shall be screened as required in Section 6.11. No parking shall be permitted in the required minimum front, side or rear yard.

SECTION 2. The following provisions of the Zoning Resolution are amended as respectively indicated:

- a. Section 4.1 is hereby amended to delete places of worship as a permitted use in the R, R3A and R5A Residential Districts.
- b. Section 6.4 d.7. is hereby amended to change "places of worship" to read "churches".

SECTION 3. Notwithstanding anything to the contrary in the current Zoning Resolution, it is the intention of this amending resolution that the provisions of Section 1 hereof be controlling over any other zoning provision, whether specifically set forth or interpreted by the Board of Zoning Appeals. It is also the intention of this amending resolution to continue churches as a permitted use in any C District as provided in Section 4.21-100 of the Zoning Resolution.

Effective Date: August 27, 1983

AMENDMENT TO CHESTER TOWNSHIP ZONING RESOLUTION

RESOLUTION TO AMEND THE CHESTER TOWNSHIP ZONING  
RESOLUTION TO DESIGNATE A QUARRY AS A PROHIBITED USE

WHEREAS, the Zoning Commission and Board of Township Trustees both consider it essential that property values within Chester Township be preserved, protected and promoted; and

WHEREAS, the Zoning Commission and the Board of Township Trustees both have determined that a major asset of Chester Township is the natural rural quality of the landscape, which should be preserved insofar as possible;

NOW, THEREFORE THE CHESTER TOWNSHIP BOARD OF TRUSTEES MOVES TO INITIATE THE FOLLOWING ZONING RESOLUTION AMENDMENT Z-85-3:

SECTION 1. Section 4.2A of the Chester Township Zoning Resolution entitled "Quarry", which designates a quarry as a conditional use in the residential districts, is hereby repealed.

SECTION 2. Section 1.1 of the Chester Township Zoning Resolution is hereby enacted as follows:

SECTION 1.1 PROHIBITED USES.

"Quarry", as defined in Section 2.46 of the Chester Township Zoning Resolution is hereby designated a prohibited use in all zoning districts of Chester Township. By designating a quarry as a prohibited use, it is the intent of this section to absolutely prohibit any use of land as a quarry and to prohibit the Board of Zoning Appeals from granting any use variance for such purpose.

Adopted by Trustees 10-3-85

# Chester Township

Founded 1801

12702 CHILlicoTHE ROAD CHESTERLAND, OHIO 44026-3194  
(216) 729-7058



"Countryside Living"

TOWNSHIP CLERK  
Janice M. Koster

BOARD OF TRUSTEES  
Clay Lawrence  
James Montague  
Patricia Mula

June 15, 1990

Forrest W. Burt, Assistant Prosecutor  
Zoning Inspector  
Zoning Commission  
Board of Zoning Appeals  
Zoning Secretary  
Geauga County Planning Commission

On April 25, 1990, the Chester Township Board of Trustees adopted a resolution to approve Z-90-3, attached, as recommended by the Chester Township Zoning Commission.

This amendment became Township law on May 25, 1990. Please include this in the Zoning Resolution at this time.

Yours truly,

  
JANICE M. KOSTER  
CHESTER TOWNSHIP CLERK

JMK:mlf

Enclosure



"Countryside Living"

# Chester Township

Founded 1901

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026

## ZONING COMMISSION

Z-90-3

One temporary special event sign with a maximum of 25 square feet of face area per commercial lot. Such sign shall require a separate Zoning Permit per event. Signs may be displayed twice per year per commercial lot. Signs may be displayed seven days prior to the event and must be removed 24 hours after the event. The Zoning Inspector may deny a permit to any applicant who has previously violated the terms of his temporary special event sign provision.

# Chester Township

Founded 1801

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"Countryside Living"

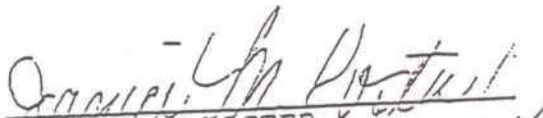
June 15, 1990

Forrest W. Burt, Assistant Prosecutor  
Zoning Inspector  
Zoning Commission  
Board of Zoning Appeals  
Zoning Secretary  
Geauga County Planning Commission

On April 25, 1990, the Chester Township Board of Trustees adopted a resolution to approve Z-90-4, attached, as recommended by the Chester Township Zoning Commission

This amendment became Township law on May 25, 1990. Please include this in the Zoning Resolution at this time.

Yours truly,

  
\_\_\_\_\_  
JANICE M. KOSTER  
CHESTER TOWNSHIP CLERK

JMK:mlf

Enclosure

# Chester Township

Founded 1801

12701 CHILlicoTHE ROAD CHESTERLAND, OHIO 44026

ZONING COMMISSION



"Countryside Living"

Z-90-4

REMOVE SECTION 4.10 REAR HOUSES from the Chester Township  
Zoning Resolution. (page 33)

# Chester Township

Founded 1801

12701 CHILICOTHE ROAD CHESTERLAND, OHIO 44026-3194

(216) 729-7058

TOWNSHIP CLERK  
Janice M. Koster

BOARD OF TRUSTEES  
Clay Lawrence  
James Montague  
Patricia Mula



"Countryside Living"


March 11, 1991

Forrest W. Burt, Assistant Prosecutor  
Zoning Inspector  
Zoning Commission  
Board of Zoning Appeals  
Zoning Secretary  
Geauga County Planning Commission

On February 9, 1991, the Chester Township Board of Trustees adopted a resolution to approve Z-90-8, copy of which is attached.

This amendment becomes Township Law on March 11, 1991.  
Please include this in the Zoning Resolution at this time.

Yours truly,

  
JANICE M. KOSTER  
CHESTER TOWNSHIP CLERK

JMK:mlf

Enclosure

ELIMINATION OF THE STORAGE OF INOPERABLE MOTOR VEHICLES IN ANY DISTRICT IN CHESTER TOWNSHIP.

Section One:

The following section, 3.17, is hereby added to the Chester Township Codified Zoning Resolutions

3.17 - Definitions

A "motor vehicle" shall be as defined in Section 4501.01 (B) of the Ohio Revised Code as of January 31st, 1991.

The definition of "inoperable motor vehicle" means any "motor vehicle" which:

1. Is incapable of being operated and has remained in such condition for sixty (60) consecutive days or longer; or.
2. Is wrecked, dismantled or extensively damaged, such damage including but not limited to: missing wheels, tires, motor, transmission, broken windows or missing or damaged fenders or doors.

An inoperable motor vehicle shall not be permitted on a lot in any zoning district within Chester Township, except,

- A. If it is kept in a permitted, fully enclosed building, if available; or
- B. If it is concealed from view from the road or surrounding property by suitable screening as defined in the Chester Township Codified Zoning Resolution, Section 4.211, paragraphs bi, biii and d. Screening consisting of planted materials or naturally occurring trees or shrubs, shall have a minimum height of six (6) feet and shall be of such density as to shield from view, year round, any and all inoperable motor vehicles located on a lot in Chester Township. (The use of tarpaulins, plastic or other similar materials shall not be considered as suitable screening.)
- C. No inoperable motor vehicle shall be stored in a front yard.

Exceptions:

- a. This section shall not apply to any motor vehicle on a lot within a C-General Commercial District or I-Restricted Industrial District where such lot is lawfully used for the repair of motor vehicles, provided that such motor vehicles are on the lot for repair. Such repairs are to be completed in a reasonable time in accordance with industry standards.
- b. This section shall not apply to a "collector's vehicle" and "historical motor vehicle" as defined in Section 4501.01 (F) & (G) respectively of the Ohio Revised Code which is licensed as a collector's vehicle or as a historical motor vehicle.

Section Two:

The following provisions of the Chester Township Codified Zoning Resolution are deleted:

The last sentence of Section 4.6 reading as follows:

In no case shall unlicensed or abandoned motor vehicles be stored on a lot in an P, District\*, R2 District, R3A District and R5A District, except in a permitted enclosed structure.

The second paragraph of Section 4.23 reading as follows:

In no case shall unlicensed or abandoned motor vehicles be stored on a lot in a "C" District except in a permitted enclosed structure, or when under a permitted use.

Article 8

AMENDMENT TO ZONING RESTRICTIONS  
CHESTER TOWNSHIP  
Z-91-1

Extraction of Oil, Natural Gas and Hydrocarbons

Exploration for Such Substances

CHESTER TOWNSHIP

Section 8:

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 8.

**Definitions:** Extraction of Oil, Natural Gas and Hydrocarbons; Exploration for Such Substances; Storage Thereof; Drilling, Reopening, Operation, Maintenance, Plugging and Plugging Back to Another Source of Oil and Gas Wells - In order to preserve health and safety, the natural groundwater, aquifers, surface waters, and other features of the Township's environmental infrastructure, and for the protection of neighboring properties from potentially deleterious effects of gas and oil well operations, the extraction of oil, natural gas, and hydrocarbons, any operations involving exploration for such substances or storage thereof, and the drilling, reopening, operation, maintenance and plugging back of oil and gas wells shall not be permitted without compliance with the following standards and regulations and such compliance shall be necessary even though no permit is necessary to be obtained from Chester Township.

Section 8:1 Gas and Oil Wells:

- (a) Well: Means any bore hole, whether drilled or bored, for production, extraction or injection of any gas or liquid mineral, excluding potable water to be used as such but including natural or artificial brines and oil filled waters.
- (b) Oil: Means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary protection methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.
- (c) Gas: Means all natural gas and other fluid hydrocarbons not defined herein as oil, including condensate.
- (d) Condensate: Means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.
- (e) Oil and Gas Wells: Shall mean all wells as defined herein for the production or extraction of oil and/or gas.

Inspector may order the applicant to shut down and cap any producing well or seek any remedies otherwise provided in this Zoning Resolution.  
(See Section 7.7 b. Prohibition Against Violation of Zoning Resolution)

Section 8:9

(A) In the event an oversized or overweight vehicle is used or is to enter the Township and exceeds the classifications set for load limits on streets and roads within the Township, the applicant and vehicle owner, if different than applicant, shall obtain a special permit for overweight vehicles and enter into an agreement to pay for road repairs in accordance with the terms and conditions set forth in the special permit and agreement as more fully set forth in Exhibits B and attached hereto and made a part hereof as if fully rewritten herein, unless the Board of Trustees deems it necessary to provide additional regulations.

(B) In the event that the Zoning Inspector determines that site preparation, drilling operations, or fracturing operations become hazardous, or may cause damage to surrounding properties due to either adverse weather conditions, geologic conditions, or other conditions which become known to said officials, and said drilling or fracturing will adversely affect the health and safety of the residents of the Township, the applicant shall cease drilling or fracturing operations upon oral or written notice from such officials and shall not commence further operations until said hazard or adverse effect on health and safety can be eliminated

Effective Date September 11, 1991

Amendment Z-91-2. Adopted November 14, 1991 to become law on December 14, 1991.

Change Section 2.4, page 4 to read:

AGRICULTURE. "Agriculture" means agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Change Section 3.10, page 18 to read:

AGRICULTURE. This resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure.

Section 2.2(3), page 4. ACCESSORY USE.

Delete "barn" and "or agricultural" so that it reads, "A shed, tool room, or other similar building or other structure for domestic storage."

Section 4.51(c), page 54. PERMITTED USES.

Delete "Animal boarding and breeding" from list of services.

Section 6.4(5), page 71

Delete "Nurseries or Plant Husbandry" and "Agricultural Produce" so that it reads, "Garden Supplies and other outdoor retail sales uses."

Delete the following Sections or paragraphs in their entirety:

Section 2.2(4) page 4. "Keeping of domestic animals, but only for..."

Section 2.26(2nd c), page 9. Commercial stable or kennel.

Section 2.31, page 9. KENNEL. "A 'kennel' is any building structure..."

Section 4,1, page 20. "Agricultural and accessory uses thereto..."

Section 4.1, page 20. "Roadside stands constructed of removable..."

Article 9

RESOLUTION TO AMEND THE CHESTER TOWNSHIP ZONING RESOLUTION  
TO PROVIDE FOR SIGN REGULATIONS IN ALL DISTRICTS

WHEREAS, Chester Township is presently experiencing trouble in the interpretation and enforcement of current sign regulations as contained in the Zoning Resolution; and

WHEREAS, the Zoning Commission and Board of Township Trustees both consider it essential that reasonable regulations be enacted to control the use, location and size of signs in order to preserve, protect and promote property values and appearance, and to accommodate legitimate advertising needs;

NOW, THEREFORE BE IT RESOLVED THAT THE CHESTER TOWNSHIP ZONING COMMISSION MOVED TO INITIATE THE FOLLOWING ZONING RESOLUTION AMENDMENT Z-84-2:

SECTION 1. Section 9 of the Chester Township Zoning Resolution entitled "Signs" is hereby enacted to read as follows:

9.1 Purposes

The section creates the legal framework for signage regulations that is intended to facilitate a lawfully acceptable communication between people. It recognizes the need to protect safety and welfare of the public, the need for well maintained and attractive appearance in the Township, and the need for adequate business identification and advertising and communication. This section recognizes that aesthetics and design quality cannot be satisfactorily legislated, as individual opinions vary and local public sentiment vary from one place and era to another. It is recognized, however, that a great percentage of that which is unattractive can be eliminated by sensible quality control, through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter. This section intends to achieve the specific purposes to preserve, protect and promote property values and the community appearance, and to accommodate legitimate advertising and quality signage.

9.2 Definitions

As used in this section, certain terms are defined as follows:

- a. "Sign" means any device designed to inform or attract the attention of persons whether on or off the premises on which the sign is located.
- b. "Freestanding ground sign" means a sign supported from the ground by one (1) or more poles, upright or braces, but not from a building or other structure.
- c. "Wall sign" means a sign erected parallel to the outside building wall and extending not more than eighteen (18) inches from such wall, but which does not project above the roof line or beyond the building corner.

9.10 Permit Application, Issuance and Revocation (continued)

c. Issuance.

It shall be the duty of the Zoning Inspector, upon an application being filed for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed sign is in compliance with all the requirements of this section and other laws, the sign permit shall be issued. If the work authorized by a sign permit has not been completed within six (6) months after the date of issuance the permit shall become null and void.

d. Fees.

Every sign permit applicant, before being granted a permit, shall pay a fee or deposit as required by the Trustees.

e. Revocation.

The Zoning Inspector is authorized and empowered to revoke any sign permit issued upon failure of the permittee to comply with any provision of this Zoning Resolution.

9.11 VariANCES

a. The Board of Zoning Appeals may grant sign variances as authorized by Ohio R. C. 519.14(B), subject to complying with the procedures and affirmatively determining the findings specified in Section 7.9 c. of this Zoning Resolution, but, however, subject to the following conditions and limitations which are deemed necessary to accomplish the purposes of this section, the current Chester Guide Plan, and the respective districts involved.

1. No variance shall permit any sign in any district if such sign is prohibited in such district by this section.
2. No variance shall provide for more signs by type or number than is permitted in any district by this section.
3. No variance shall increase sign face area by more than ten percent (10%) of the maximum face area permitted for such sign by this section.
4. No variance shall increase the height of any free-standing ground sign by more than twenty percent (20%) of the maximum height permitted by this section.
5. No variance shall decrease the distance of any sign from any lot line or right-of-way line by more than twenty percent (20%) of the minimum distance required by this section.

9.11 Variances (continued)

a. continued

6. No variance shall be granted without a minimum of three (3) Board members physically viewing the premises or building involved and the sign, if reasonably available, or a photograph, drawing or rendering of such sign.

b. Any variance once granted shall not be changed, and shall automatically terminate if the work authorized by such variance is not completed within six (6) months after being granted. If an appeal or variance has been denied by the Board, the Board shall not reconsider the same appeal or variance within one (1) year of the date of such decision, unless the underlying conditions have substantially changed.

9.12 Violations

If any sign is installed, erected, constructed or maintained in violation of any provision of this Zoning Resolution, the Zoning Inspector shall notify in writing the permittee, owner or lessee thereof to alter such sign or remedy the violation so as to comply with this Zoning Resolution. Failure to comply shall be deemed a violation and shall be punishable under Section 7.7 of this Zoning Resolution.

SECTION 2. The following provisions of the current Zoning Resolution are hereby repealed:

<u>Section</u>	<u>Subject</u>
2.3	Advertising sign defined
2.11	Business sign defined
2.50	Sign defined
4.3 e.	Private golf club signs
4.5	Residential District sign regulations
4.22	C General Commercial District sign regulations
4.31 f.	Gasoline filling station sign regulations
4.44 c.	SC Shopping Center District sign regulations
4.52	I Restricted Industrial District sign regulations
7.5 h.	Schedule of fees for signs

Section 3. If any provision of Section 9 of the Zoning Resolution as adopted herein is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, such decision shall not affect the validity of the remaining provisions of Section 9 or Section 9 as a whole. It is the intention of the Zoning Commission and Board of Township Trustees that Section 9 would have been passed the same if such invalid or unconstitutional provisions had not been included therein.

Township Law Date: December 12, 1992



"Countryside Living"

# Chester Township

Founded 1801

12701 CHILlicoTHE ROAD CHESTERLAND, OHIO 44026-3194

(216) 729-7058

**TOWNSHIP CLERK**

Michael W. Spellman

**BOARD OF TRUSTEES**

Patricia M. Mula

Glenn Battles

James A. Montague

February 11, 1993

Mrs. Catherine H. Heiden  
Geauga County Recorder  
Courthouse Annex  
231 Main Street  
Chardon, Ohio 44024-1299

RE: Filing Fee for Z-92-2

Dear Mrs. Heiden:

Enclosed is a copy of Z-92-2 which is to be added to your copy of the Chester Township Zoning Resolution along with a check made payable to the Geauga County Recorder's Office in the amount of \$34.00 for the filing fee of Z-92-2.

This amendment becomes Township Law on February 11, 1993.

Very truly yours,

CHESTER TOWNSHIP

Michael W. Spellman

mif

- cc: Forrest W. Burt
- Geauga County Planning Commission
- Law Library
- Chester Township Board of Trustees
- Chester Township Zoning Inspector
- Chester Township Zoning Commission
- Chester Township Board of Zoning Appeals

Oct. 20, 1992

Z-92-2

1. TABLE of CONTENTS: Page i; Delete "Dwelling, Multi-Family and "Dwelling Two-Family".
2. TABLE of CONTENTS: Page iii, Delete "R2 - Multi-Family District"; and "Dimensional Requirements in an R-2 District (Table)"; and "or R-2 District".
3. TABLE of CONTENTS: Page iv, Yards Adjoining and R ; Delete " or R-2 District".
4. Page 5;, Section 2.8 Building; Delete paragraph 3.
5. Page 7, Section 2.17; Dwelling; Recommend replacing the definition with the following; " means space within a building comprising living and/or dining and sleeping rooms; and space for cooking, bathing, and toilet facilities; all of which are used by only one (1) family for residential occupancy".
6. Page 7, Section 2.18, DWELLING, MULTI-FAMILY: Suggest deletion of this definition.
7. Page 7, Section 2.20; DWELLING, TWO FAMILY, Suggest deletion of this definition.
8. Page 7, Section 2.21; DWELLING UNIT: , Delete the existing text and replace with the reference "See Dwelling".
9. Page 11, Section 2.47; Delete "two-family, and multi-family ".
10. Page 15, Section 3.1 ESTABLISHMENT OF DISTRICTS: (R), Delete " and two"; and "3 Acre Minimum 2 Family",
11. Page 20, Section 4.1, PERMITTED USES; Delete " Two-family dwellings plus two (2) roomers per family. (R Districts only)".
12. Page 32, Section 4.9. Delete " 2-Family Dwelling (R District only) all the way across".
13. Page 34, Section 4.21 PERMITTED USES: Specific uses should replace generalized terms such as "Retail Store". *To be addressed later*
14. Page 41, Section 4.251; DRIVEWAYS TO PARKING AND LOADING AREAS;; Delete "other than those required for one and two-family dwellings".
15. Section 4.26 (after page 42), DIMENSIONAL REQUIREMENTS IN A C DISTRICT (Table);, The chart should be amended to reflect the prior changes made by separate amendments(s) regarding multi-family dwellings.
16. TOWNSHIP MAP LEGEND:R, Delete "Two-Family Residential, Min. 3 AC".
17. Sign Amendments; 9.5 (8.5)a. Delete "or two-family dwelling".

# Chester Township

Founded 1801

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026-3194  
(216) 729-7058



"Countryside Living"

TOWNSHIP CLERK  
Michael W. Spellman

BOARD OF TRUSTEES  
Patricia M. Mula  
Glenn Battles  
James A. Montague

September 13, 1993

Mrs. Catherine H. Heiden  
Geauga County Recorder  
Courthouse Annex  
231 Main Street  
Chardon, Ohio 44024-1299

RE: Filing Fee for Z-93-1

Dear Mrs. Heiden:

Enclosed is a copy of Z-93-1 which is to be added to your copy of the Chester Township Zoning Resolution along with a check made payable for the Geauga County Recorder's Office in the amount of \$32.00 for the filing fee of Z-93-1.

This amendment became Township Law on September 11, 1993.

Very truly yours,

CHESTER TOWNSHIP

*Michael W. Spellman*  
Michael W. Spellman

MWS:mlf

cc: Forrest W. Burt  
Geauga County Planning Commission  
Law Library  
Chester Township Board of Trustees  
Chester Township Zoning Inspector  
Chester Township Board of Zoning Appeals  
Chester Township Zoning Commission

Amendment Z-93-1, adopted by the Chester Board of Trustees on 12 August 1993, becoming law on 11 September 1993, replaces Sections 7.8 and 7.9 of the current Zoning Resolution which are found on pages 81-83. Page 81 contains most of the present text, but is presented in a new format. All new material is underlined as well as the newly formatted material. Z-93-1 also replaces page 14 in Definition of Terms, pages (ii) and (v) in the Table of Contents, and a phrase in Amendment Z-80-1 as corrected below:

In Z-80-1 Amendment to Chester Township Zoning Resolution, Section 5.4, delete the phrase "to the amount not to exceed 10% of the floor area or land area presently in non-conforming use" and the sentence "Only one such extension shall be granted." Also, delete the paragraph which begins "This provision shall not apply, etc."

Amendment Z-80-1 as corrected follows:

The Board of Zoning Appeals may permit, after public hearing, the extension of the floor area or the land area of a non-conforming use or of a non-conforming building but not of any other non-conforming structure.

Article 9

RESOLUTION TO AMEND THE CHESTER TOWNSHIP ZONING RESOLUTION  
TO PROVIDE FOR SIGN REGULATIONS IN ALL DISTRICTS

WHEREAS, Chester Township is presently experiencing trouble in the interpretation and enforcement of current sign regulations as contained in the Zoning Resolution; and

WHEREAS, the Zoning Commission and Board of Township Trustees both consider it essential that reasonable regulations be enacted to control the use, location and size of signs in order to preserve property and promote property values and appearance, and to accommodate legitimate advertising needs;

NOW, THEREFORE BE IT RESOLVED THAT THE CHESTER TOWNSHIP ZONING COMMISSION MOVED TO INITIATE THE FOLLOWING ZONING RESOLUTION AMENDMENT Z-54-2:

SECTION 1. Article 9 of the Chester Township Zoning Resolution articles "Signs" is hereby amended to read as follows:

9.1 Purposes

The section creates the legal framework for signage regulations that is intended to facilitate a lawfully accessible communication between people. It recognizes the need to protect safety and welfare of the public, the need for well maintained and attractive appearance in the Township, and the need for adequate business identification and advertising and communication. This section recognizes that aesthetics and design quality cannot be satisfactorily legislated, as individual opinions vary and local public sentiment vary from one place and era to another. It is recognized, however, that a great percentage of that which is unattractive can be eliminated by sensible quality control, through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter. This section intends to achieve the specific purposes to preserve, protect and promote property values and the community appearance, and to accommodate legitimate advertising and quality signage.

9.2 Definitions

As used in this section, certain terms are defined as follows:

- a. "Sign" means any device designed to inform or attract the attention of persons whether on or off the premises on which the sign is located.
- b. "Freestanding ground sign" means a sign supported from the ground by one (1) or more poles, upright or braces, but not from a building or other structure.
- c. "Wall sign" means a sign erected parallel to the outside building wall and extending not more than eighteen (18) inches from such wall, but which does not project above the roof line or beyond the building corner.

## 9.2 Definitions (continued)

- d. "Projecting sign" means a sign erected on the outside building wall which projects at an angle therefrom.
- e. "Sign face area" measurement or calculation shall include all sign frame appurtenances, supports or structural members above the average finished grade at the sign base. Only one (1) side of a double or multi-faced sign shall be used to calculate face area provided such sign faces are not joined at an angle greater than fifteen (15) degrees.
- f. "Roof sign" means any sign placed or attached by any means to the roof of the building.
- g. "Billboard" means a free-standing sign or wall sign exceeding 82.5 square feet of face area.

## 9.3 Exemptions

The following signs are exempt from provisions of this section:

- 1. Governmental signs, notices posted by Governmental authority or as required by law, and religious insignia.
- 2. Historical or commemorative signs issued by a recognized historical agency.
- 3. Residential security signs limited to a maximum one (1) square foot of face area and two (2) such signs per lot.
- 4. Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to a maximum two (2) square feet in face area and three (3) feet in height, do not interfere with safe traffic circulation and do not interfere with or obstruct the view of drivers exiting onto streets or highways and do not contain information other than the words "in", "enter", "entrance", "out" or "exit" and/or arrows indicating desired traffic movement.

## 9.4 Regulations for All Signs

All signs permitted by this section shall be subject to the following:

- a. No sign shall be located on any public property, in the public right-of-way or affixed to any utility pole, tree or screening, except with approval of lawful authority.
- b. No part of any sign shall be less than ten (10) feet from any lot line or right-of-way line.
- c. Permanent freestanding ground signs shall not exceed eight (8) feet in height from the average finished grade at the sign base to the top of the sign and shall be landscaped

9.4 Regulations for All Signs (continued)

- c. with all season planting or ground cover having a minimum eighteen (18) inches in height and extending a minimum eighteen (18) inches around the sign support circumference.
- d. Not more than one (1) permanent freestanding ground sign per lot is permitted.
- e. Illumination where permitted shall be of light with constant intensity and shielded or directed to prevent excessive brightness or glare or create a nuisance.
- f. Off-site signs, when permitted, shall be posted on private property only with permission of the owner or agent of such property.

9.5 Residential District Signs

- a. No person shall erect or post any sign in any R, R3A or RSA district except as follows:
  - 1. One (1) permanent nameplate sign for each dwelling unit in a single-family dwelling, ~~\*(two-family)~~ with a maximum three (3) square feet of face area, containing the name of the occupant or property or any home occupation.
  - 2. One (1) permanent or temporary on-site roadside sign for lands used for agricultural purposes with a maximum eighteen (18) square feet of face area for any lot five (5) acres or more and a maximum four (4) square feet of face area for any lot less than five (5) acres, and which advertises only goods sold on the premises. In addition, each agricultural lot shall be allowed two (2) off-site directional signs, each with a maximum one (1) square foot of face area.
  - 3. One (1) temporary building construction sign with a maximum eighteen (18) square feet of face area which may be exhibited only during the construction period.
  - 4. One (1) temporary "for sale" or "for rent" sign with a maximum eight (8) square feet of face area.
  - 5. One (1) temporary subdivision, development or model home sign with a maximum thirty (30) square feet of face area per subdivision. Such sign shall be removed or the permit renewed annually not later than one (1) year after initial issuance.
  - 6. Two (2) temporary political signs each with a maximum four and two-tenths (4.2) square feet of face area may be located on any lot zoned residential which contains an inhabited dwelling. Two (2) temporary political signs each with a maximum six (6) square feet of face

\*Deleted Per Amend. Z-92-2; Effective  
Date 2-11-93

## 9.5 Residential District Signs (continued)

6. area may be located on any school property as authorized by appropriate school authorities. Political signs may be exhibited not more than thirty (30) days before nor more than seven (7) days after the date of any election.
7. Temporary signs promoting school, church or community service activities may be exhibited not more than fourteen (14) days before the commencement of such activity nor more than seven (7) days after such activities end. Each activity is limited to one (1) on site sign with a maximum of twenty-five (25) square feet of face area, and four (4) off-site locations, each sign with a maximum sixteen (16) square feet of face area.
8. One (1) permanent identification sign with a maximum fifteen (15) square feet of face area for each church, school, memorial park or golf club use.
9. One (1) garage sale sign with a maximum four (4) square feet of face area, which may be exhibited only during the conduct of such sale and only on the lot where conducted. "Garage sale" as used herein means a sale of residential household goods, equipment, utensils, appliances, personal clothing or effects, or other similar personal property, and includes without limitation the following types of sales: house, barn, basement, attic, porch, carport, lawn, yard, driveway, clothesline, casual, rummage, flea market and the like.
10. All signs permitted in Residential Districts shall be subject to the following:
  1. No sign shall be illuminated except for nameplate signs not denoting a home occupation or identification signs for a church, school, memorial park or golf club.

## 9.6 Commercial and Industrial District Signs

- a. No person shall erect or post any sign in any C General Commercial, SC Shopping Center or I Restricted Industrial District except as follows:
  1. One (1) freestanding ground sign with a maximum face area of thirty (30) square feet per business or industrial property lot or combination of lots or portions thereof combined to form one (1) parcel.
  2. One (1) wall sign per building occupant limited to three-fourths (0.75) square feet of face area for each lineal foot or part thereof of building width occupied or one (1) sign on a mansard placed in the center one-third at a height not greater than one-fourth the mansard height, but neither sign exceeding a maximum seventy-five (75) square feet of face area.

9.6 Commercial and Industrial District Signs (continued)

a. continued

3. One (1) identification sign per rear door limited to a maximum six (6) square feet of face area for a public rear entrance and limited to a maximum three (3) square feet of face area for a service entrance.
4. One (1) temporary building construction sign as provided for in Section 9.5 a.3.
5. One (1) temporary "for sale" or "for rent" sign as provided for in Section 9.5 a.4.
6. Temporary service activities sign as provided for in Section 9.5 a.7.

b. All signs permitted in Commercial or Industrial Districts shall be subject to the following:

1. Signs shall be exhibited only on the property being developed or used in connection with such sign.
2. All signs may be illuminated and have changeable copy.
3. Abandoned signs relating to any business or industry which has moved or discontinued operations shall be removed by the property or building owner or his agent within thirty (30) days after such vacation or discontinuance.

9.7 Prohibited Signs

a. The following signs are hereby prohibited in the Township:

1. Roof signs.
2. Projecting signs.
3. Murals or signs painted on walls.
4. Strings, banners, pennants, ribbons, streamers, spinners or other moving devices.
5. Flashing, blinking, intermittent illumination, revolving, oscillating or otherwise moving light signs.
6. Mobile or portable signs.
7. Pole signs which permit pedestrians or vehicles to pass under such signs.
8. Searchlights, balloons and similar advertising devices.
9. Signs resembling traffic control devices.

9.7 Prohibited Signs (continued)

a. continued

10. Unsafe signs or signs causing a hazard.
11. Abandoned signs.
12. Billboards.
13. Political signs in Commercial and Industrial Districts.

9.8 Construction and Maintenance Standards

a. All signs and supports shall be installed and maintained subject to the following:

1. Signs and supports shall be structurally sound, safe and pose no danger to persons or property.
2. Signs and supports shall be fabricated on and of materials which are good quality, good durability and conform to allowable stresses and temperatures for such materials.
3. Signs and supports shall be structurally designed to withstand a wind force of seventy-five (75) miles per hour.
4. Electric wiring shall be installed and maintained according to safe practice and in weatherproof condition.
5. Signs and supports shall not constitute a blight or deteriorating influence on adjacent or neighboring properties.

9.9 Repair, Restoration and Nonconforming Signs

- a. All sign framing and supports shall be repaired or repainted as required to preclude blight or deteriorating influence. Any conforming sign or support blown down, destroyed or otherwise involuntarily taken down may be rebuilt, restored or relocated upon obtaining a new permit, complying with this Zoning Resolution and subject to approval of the Zoning Inspector.
- b. All legally nonconforming signs and supports shall not be graphically or structurally altered, added to or enlarged, changed, or relocated except in conformity with or to conform to this Zoning Resolution. Any legally nonconforming sign which is involuntarily removed or damaged or destroyed for any cause, by sixty percent (60%) or more of its replacement value at the time of such damage or destruction, may be rebuilt, restored or relocated only after obtaining a new permit from the Zoning Inspector, upon complying with this Zoning Resolution, and subject to approval of the zoning Inspector. Lawfully permitted change

9.9 Repair, Restoration and Nonconforming Signs (continued)

- b. of copy and minor repairs such as cleaning, painting and refurbishing is permitted at any time. Legally nonconforming signs damaged or destroyed by less than forty percent (40%) of replacement value may be restored to previous nonconforming condition if commenced within thirty (30) days of such damage or destruction and diligently pursued to completion.

9.10 Permit Application, Issuance and Revocation

- a. Required. No person shall erect, alter, or relocate any sign without first obtaining a permit from the Zoning Inspector and paying the fee required herein, except that nonstructural repairs or maintenance may be made without a permit. A permit is required for all signs except political signs, for sale or for rent signs not exceeding six (6) square feet in face area, nameplate signs not denoting any home occupation, and not more than two (2) temporary school, church or community service activity signs which are not more than sixteen (16) square feet each in face area and which may be displayed not more than 48 consecutive hours.
- b. Application. Application for a sign permit shall be made upon a form provided by the Zoning Inspector and shall contain or have attached thereto, the following information:
  1. Name, address and telephone number of the applicant.
  2. Location of the building or lot to which or upon which the sign is to be attached or erected, and position of the sign in relation to nearby buildings and structures and the lot lines or right-of-way lines.
  3. Plans and specifications indicating method of construction attachment to building or installation in the ground and method of illumination.
  4. Name of person, firm, corporation or association erecting the sign.
  5. Written consent of the owner of the building, structure or land to which or on which the sign is to be attached or erected.
  6. Scaled drawing indicating the sign dimensions, materials, color and copy, and the building face and sign position for a wall sign.
  7. Such other information as the Zoning Inspector may require to show full compliance with this section and other laws.

9.10 Permit Application, Issuance and Revocation (continued)

c. Issuance.

It shall be the duty of the Zoning Inspector, upon an application being filed for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed sign is in compliance with all the requirements of this section and other laws, the sign permit shall be issued. If the work authorized by a sign permit has not been completed within six (6) months after the date of issuance the permit shall become null and void.

d. Fees.

Every sign permit applicant, before being granted a permit, shall pay a fee or deposit as required by the Trustees.

e. Revocation.

The Zoning Inspector is authorized and empowered to revoke any sign permit issued upon failure of the permittee to comply with any provision of this Zoning Resolution.

9.11 Variances

a. The Board of Zoning Appeals may grant sign variances as authorized by Ohio R. C. §19.14(B), subject to complying with the procedures and affirmatively determining the findings specified in Section 3.09F of this Zoning Resolution, but, however, subject to the following conditions and limitations which are deemed necessary to accomplish the purposes of this section, the current Chester Guide Plan, and the respective districts involved.

1. No variance shall permit any sign in any district if such sign is prohibited in such district by this section.
2. No variance shall provide for more signs by type or number than is permitted in any district by this section.
3. No variance shall increase sign face area by more than ten percent (10%) of the maximum face area permitted for such sign by this section.
4. No variance shall increase the height of any free-standing ground sign by more than twenty percent (20%) of the maximum height permitted by this section.
5. No variance shall decrease the distance of any sign from any lot line or right-of-way line by more than twenty percent (20%) of the minimum distance required by this section.

## 9.11 Variances (continued)

### a. continued

6. No variance shall be granted without a minimum of three (3) Board members physically viewing the premises or building involved and the sign, if reasonably available, or a photograph, drawing or rendering of such sign.
- b. Any variance once granted shall not be changed, and shall automatically terminate if the work authorized by such variance is not completed within six (6) months after being granted. If an appeal or variance has been denied by the Board, the Board shall not reconsider the same appeal or variance within one (1) year of the date of such decision, unless the underlying conditions have substantially changed.

## 9.12 Violations

If any sign is installed, erected, constructed or maintained in violation of any provision of this Zoning Resolution, the Zoning Inspector shall notify in writing the permittee, owner or lessee thereof to alter such sign or remedy the violation so as to comply with this Zoning Resolution. Failure to comply shall be deemed a violation and shall be punishable under Article 3 of this Zoning Resolution.

Section 2: If any provision of Article 9 of the Zoning Resolution as adopted herein is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, such decision shall not affect the validity of the remaining provisions of Article 9 or Article 9 as a whole. It is the intention of the Zoning Commission and Board of Township Trustees that Article 9 would have been passed the same if such invalid or unconstitutional provisions had not been included therein.

## 9.13 Temporary Signs

One temporary special event sign with a maximum of 25 square feet of face area per commercial lot. Such sign shall require a separate Zoning Permit per event. Signs may be displayed twice per year per commercial lot. Signs may be displayed seven days prior to the event and must be removed 24 hours after the event. The Zoning Inspector may deny a permit to any applicant who has previously violated the terms of his temporary special event sign provision.